Acta Apostolicae Sedis

Volume IV (*1912*)
Commentarium Officiale — The Official Acts of the Holy See

The Holy See

(Sancta Sedes)

An English translation of the Latin edition
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[*Latin ed. p. 1*]

ACTS OF THE APOSTOLIC SEE, OFFICIAL COMMENTARY, VOLUME I, YEAR I. VOLUME IV. ROME, PRINTED BY THE VATICAN POLYGLOT PRESS, MCMXII.

[*Latin ed. p. 5*]

Year IV. - Volume IV. January 15, 1912. Number 1. ACTA APPOSTOLICAE COMMENTARII OFFICIALIS. ACTA PII PP. X. APOSTOLIC CONSTITUTION CONCERNING THE VICARIATE OF THE CITY. PIUS, BISHOP, SERVANT OF THE SERVANTS OF GOD, FOR THE PERPETUAL REMEMBRANCE OF THE DIVINE THINGS. Although We are urged by the daily demands of the apostolic ministry, and the solicitude for all churches, nevertheless, from the very beginning of Our pontificate, following the footsteps of illustrious predecessors, We have not neglected to consider it of the greatest importance to have the sacred charge of the beloved churches of this City and of all its principal churches, to which We have been appointed by the wise counsel of Divine Providence. Therefore, many things have been decreed by Us on various occasions, either to protect and strengthen the discipline of the clergy, to promote the divine worship, or to better and more suitably organize the parishes; and provision has also been made for many matters of a particular and private nature. But above all, We were concerned that some improvement might be made in the offices of the venerable diocesan Curia of this City, that is, of Our Vicariate, so that it might more fully correspond to the new canons, be more suited to the new circumstances of the times, and more quickly promote the affairs to be carried out. Many men of conspicuous prudence and dignity have also appeared to Us as authors of this plan for improvement. 2 Corinthians 11. ACTA, vol. IV, n. 1. - 15-1-1912.

[*Latin ed. p. 6*]

6. *Acta Apostolicae Sedis.* - Official Commentary. Now, since it has become possible for Our Vicariate to establish its own seat in the City, and to provide one that is much more convenient and spacious, We have indicated that the opportune time has arrived to put Our plans into effect. Therefore, after carefully considering all matters, We, by Our Apostolic authority, establish and decree the following:

1. The Diocesan Curia of the City, or Vicariate, is divided into four offices: I, concerning divine worship and the apostolic visitation; II, concerning the discipline of the clergy and the Christian people; III, concerning judicial affairs; IV, concerning economic administration.

2. Presiding over all these offices is the Cardinal who is Our General Vicar in the City. And his authority, as it currently exists, is perpetual, and does not cease even with the vacancy of the Apostolic See.

3. Subject to the Cardinal Vicar, and presiding over each of the four

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aforementioned offices, is a Prelate to be chosen by the Supreme Pontiff, to whom all those who are in the same office are directly subordinate. Presiding over the first office is the Commissary for divine worship and for the apostolic visitation in the City; over the second, the Assistant for disciplinary matters; over the third, the Auditor for judicial affairs; and over the fourth, the Prefect for administration. Furthermore, in order of dignity, these Prelates precede one another.

4. The offices of Vice-Governor, Lieutenant, Secretary, and Auditor of the Vicariate are suppressed, and We declare their suppression by the present Constitution. However, all the rights and duties pertaining to these offices, whatever their title, are respectively assigned to the four Prelates mentioned above, according to the nature of their respective duties and the terms established in this Constitution.

5. We wish and decree that Our venerable brother, Joseph Ceppetelli, Patriarch of Constantinople, to whom we assign the first office and the duty of Commissary, may, for the sake of honor, retain the title of Vice-Governor, he alone, during the term of his office.

6. Although each office and those who preside over them should proceed together in a united and amicable manner, so that they may, with all their strength, achieve their common goal, namely, the glory of God and the salvation of the people; nevertheless, no one, even if of higher rank and dignity, shall interfere in the affairs of another office, except for those matters concerning economic affairs, as prescribed in Chapter IV of this law.

[*Latin ed. p. 7*]

Acta Pii PP. X. 7 6. Si, per quavis causam, etiam propter Conclave, aliquis de Cardinalibus Vicariis vacat aut est impedito, tum singuli Praelati, per se ipsos, omnia quae ad suum officium pertinent, secundum praescripta in hac lege, moderabuntur, et fideliter ministerii sui adimplemto, juxta canonicas leges, responderunt.

CAPUT I. PRIMUM VICARIATUS OFFICIUM.

De divino cultu et visitatione apostolica.

7. Ad consulendum divini cultus ordine et decori, et ad pastoralem visitationem in Urbe peragendam, ob peculiares conditiones in quibus versatur civitas totius catholicae religionis caput, Praedecessor Noster Clemens VIII, constitutione *Speculatores die 8 mensis Iunii anno 1570*, Congregationem Visitationis Apostolicae certis praefinitis legibus erexit. Ut autem iura et officia huius Congregationis aptius pro temporum adiunctis definirent, die 21 mensis Decembris anno 1847, Pius IX apostolicis litteris *Beati Petri novae*, Congregationi leges novae constituit. In praesenti vero, servantes, in iis que quaerunt, praescriptiones Decessorum Nostrorum,

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et executioni mandantes quae Nos ipsi in constitutione *Sapienti consilio die 29 mensis Iunii anno 1908* statuimus, opus Visitationis apostolicae in Urbe eiusque dioecesi credimus peculiari coetu, seu Commissione PP. Cardinalium, cuius Praeses erit Cardinalis Noster in Urbe Vicarius et membra erunt Cardinales Praefecti SS. Congregationum.

8. A secretis huius coetus erit Commissarius Nostri Vicariatus, de quo in num. 8 diximus.

9. Tabularium et archivum, quae propria erant S. Congregationis Visitationis ante constitutionem *Sapienti consilio*, huic officio cedunt. Pariter inter officiales Vicariatus connumerabuntur qui administratores erant memoratae S. Congregationis, sub modo tam e n et cum titulo et muneribus quae huic novae Vicariatus ordinationi respondeant. Eiusdem autem numeratio in custodiam transibit officii quarti Vicariatus.

10. Mandamus autem et decernimus, ut singuli qui -

[*Latin ed. p. 8*]

8. *Acta Apostolicae Sedis.* - *Commentarium Officiale.* Quoniam, ab ipso anno quo Italiae Ordinarii tenentur obligatione relationem de statu dioecesis S. Sedis exhibendi, ab hac Commissione Visitatio apostolica fiat in Urbe et dioecesi, nulla alia requisita Nostra vel Successorum Nostrorum praescriptione, et nullo loco aut persona exceptis, praeter S. R. E. Cardinales, palatia apostolica et S. Sedis officia.

11. Prima autem huius modi illustratio, novahac lege peragenda, fiat anno 1916. Quae autem praesenti habetur, ipsa die qua haec constitutio editur, intermittatur.

12. Antequam annus incipiat Visitationem in Urbe peragendam, P.P. Cardinales memorati coetus convenient, ut socios visitationis eligant, Summo Pontifice approbandos, qui, cum Cardinale Vicario, partitaprovincia, ecclesias et pia loca lustrabunt; atque ut alia decernant, quae opportuniora ad felicem visitationis exitum videantur.

13. In visitatione peragenda regulas servabuntur quae decreto A. remotissima S. Congregationis Consistorialis die 31 decembris a. 1909 statuta sunt.

14. Socii visitationis tam nullum decretum ferant, nihilque ipsi constituant aut iubent; tantummodo videant, referant, proponantque coetui P.P. Cardinalium quae corrigenda vel stabilia censeant in ecclesiis, piisve locis a se lustratis. Decreta autem legesve ne ferantur, nisi a memorato coetu P.P. Cardinalium, vel eius nomine et auctoritate Commissario Vicariatus.

15. Si quae in visitatione occurrant, quae gravia sint et provisionem cito postulent, ea a Cardinale Vicario vel a Commissario Summo Pontifici quamprimum referantur. Expleta autem visitatione, ab eodem Commissario scripta relatio Summo Pontifici exhibenda conficietur de omnibus summatium maioris momenti rebus quae in visitatione compertae sint, ac

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de decretis.

16. Quo autem visitatio tutius et expeditius perficiatur, officia alterum de cleri disciplina et officium quartum de oeconomica administratione eorumque administri, ne omittant quae cognitunecessaria vel opportuna sint cum visitatoribus, sive ultro, sive ad ipsorum petitionem communicare.

17. Officio primo insuper competit visitationem anno, tum extra octemper, moderari quidquid in ecclesiis, sacellis aliisque sacris Urbis locis cultum divinum spectat, sacras fun-

[*Latin ed. p. 9*]

Acts of Pope Pius X. 9. Relics of the saints, sacred images, and matters pertaining to the fulfillment of obligations, as arranged in the aforementioned apostolic letters of Pius IX, and before the constitution *Sapienti consilio*, were under the jurisdiction of the Sacred Congregation for the Visitation. 18. The archive, and the departments of archaeology and sacred music, are added to this office, remaining entirely within the aforementioned order and status. 19. If any difficulty or question should arise concerning sacred archaeology or ecclesiastical music, or if the Cardinal Vicar desires to obtain advice on these matters, the aforementioned departments will be convened under his or a designated commissary. 20. Furthermore, we decree that a new department or commission be established within this office, dedicated to sacred art, and for the first time, we reserve the right to choose and designate those who will be included in this department. Subsequently, under the presidency of the Cardinal Vicar or a commissary, this department will select and propose to the Supreme Pontiff those who will be admitted to it. The Cardinal Vicar will consult with this department on all matters pertaining to the sacred arts, including construction, preservation, restoration, ornamentation, and similar concerns. 21. An inventory shall be made in this office and a diligent record kept of all the churches of the city, along with necessary or appropriate notes regarding their condition.

CHAPTER II. The Second Office. Concerning the discipline of the clergy and the Christian people. 22. The Office concerning the discipline of the clergy and the Christian people is divided into four sections: 1.° concerning the clergy, 2.° concerning religious institutes of women, 3.° concerning schools, colleges, and other secular institutions, 4.° concerning confraternities and other associations and social works. 23. Within each of these four sections of the office, there will be a secretary, who, under the authority and guidance of the Cardinal Vicar and his Assessors, will be responsible for all matters pertaining to his section.

[*Latin ed. p. 10*]

10. Acta Apostolicae Sedis. - Official Commentary. 24. Concerning the secret selection of those to be appointed to particular offices by the Supreme

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Pontiff, proposed by the Cardinal Vicar: the other officials are appointed by the aforementioned Cardinal Vicar, beforehand. PART OR SECTION 1. a - Concerning the secular and regular clergy. 25. This section pertains to: a) ensuring and providing, within the limits of the sacred canons, all that is necessary or opportune for the discipline of the secular and religious clergy; b) vigilantly guarding against heresies and erroneous opinions, observing the rules established in the canonical prescriptions and, in particular, in the Encyclical Letter *Pascendi* of September 8, 1907, and in the Motu Proprio *Sacrorum Antistitum* of September 1, 1910; c) granting permissions to publish books and to manage or publish periodicals or newspapers; d) overseeing seminaries and other clerical colleges which are not exempt from the jurisdiction of the Cardinal Vicar; e) instituting instruction for the clergy concerning matters of importance for the sacred orders, and admitting them to those orders; f) providing attestations, commonly called *libelli*, by which it is certified that priests are admitted to celebrate the sacred rites in churches and chapels; g) granting other commendatory letters and testimonial letters to the clergy; h) This office also has the authority to approve those who are to hear sacramental confessions and to preach sacred sermons; i) designating individuals to the office of confessor in churches and in any institutions whatsoever; j) the selection of priests who shall serve as rectors in churches, and of those who are chaplains, to perform sacred duties in sodalities and in any institutions whatsoever, unless such selection has been legitimately reserved to others; k) the provision for parishes. In all of these matters to be carried out or overseen, the Vicariate will ensure that the common legal norms and the praiseworthy customs of the City are maintained. 26. The prescriptions of our predecessor, Pope Leo XIII, issued by the Sacred Congregation of the Council, dated December 23, 1894, and by us in letters addressed to the Eminent Vicar of the City.

[*Latin ed. p. 11*]

Acta, Pontificii Publici, Pars X, die 6 mensis Augusti, anno 1905. Renovamus, mandamusque, ut in posterum nullus clericus, sive ad clerum Romanum, sive ad alias dioeceses pertinens, quolibet, etiam Cardinalitatis dignitate praefulgente, assumatur seu eligatur ad aliquod officium vel beneficium quod stabilem vel diuturnam commorationem in Urbe requirat, nisi si ille se eligere velit, secretis litteris ab Eminenti Urbis Vicario ante expetierit, utrum aliquid ex parte Vicariatus obstet, nihilque obesse sciverit. Quaecumque vero provisio, seu officii assignatio, aliter facta, nulla erit irrita, abrogatis hoc decreto privilegiis et exemptionibus quibuslibet, etiam pecuniariam mentionem requirentibus, quae sint huic praescriptioni contrariae.

27. Recensio hac in sectione habebitur cleri universitatis, saecularis quam regularis, adnotatis ad singula nomina, commorationis loco, aetate, suis

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cuiusque munibus aliisque adiunctis personae.

28. His omnibus quae in hoc capite recensentur, officiis explendis Cardinalem Vicarium adiuvabunt, praeter huius partis administratores, varii coetus ac canonicis legibus iam praescripti, hoc est, examinatores cleri, consultores ad parochiamotionem decernendam, consilium vigilantiae, deputati seminariis, commissio directiva pro sacerdotali ministerio.

29. Postremum hic coetus in posterum constabit quinque saltem sacerdotibus a Cardinali Vicario cum approbatione Summi Pontificis eligendis, qui maturiores sint aetatis, virtute, prudentia et rerum cognitione praeclari. Iique erunt consiliis Cardinalis Vicarii in assignatione numerum, officiorum et beneficiorum cleri.

30. Quo autem examinatores praesentis temporis necessitatibus aptius occurrant, collegium, quod nunc est, apostolica auctoritate supprimimus et suppressum declaramus, aliudque novis legibus constituimus iuxta ea quae infra decernimus.

a) Romani cleri examinatores in posterum duodeviginti erunt, ex clero saeculari et regulari delecti.

b) Quoties in synodaeorum electio fieri nequeat, ipsi eligentur a Cardinali Vicario Summi Pontificis approbatione, et per quinqueennium dumtaxat.

c) Hactamen prima vice, ne forte contingat ut omnes examinatores simul officio cadant, novem ipsorum per decennium eligentur.

[*Latin ed. p. 12*]

Acta Apostolicae Sedis. - Official Commentary.

d) Those who, within six months, do not return to the city, whether they are afflicted by illness or for any other reason, and who are unable to fulfill their duties as examiners, are thereby removed from office.

e) Whenever, for these reasons, or for any other canonical cause, or by death, there is a lack of examiners, another shall be appointed in their place, but he shall remain in office until the end of the five-year term of the examiner whose place he succeeded.

f) Examiners may be re-elected by the Cardinal Vicar.

g) All examiners shall diligently apply themselves to the tasks assigned to them by the Cardinal Vicar, namely, to conduct examinations for the provision of parishes, for the ordination of clerics, to hear sacramental confessions of those seeking the priesthood, and to deliver sermons; and also, where necessary, to determine the removal of a parish priest, according to the most recent decree, *Maxima cura*.

h) Some of them may be summoned to provide their counsel on matters pertaining to discipline, which are of greater importance or require a more difficult definition, under the direction of the Cardinal Vicar of the City, or the Assessor, or by the officials of this section.

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i) The Cardinal Vicar may also entrust some of them with the task of examining a particular matter and writing down their opinion, or to undertake other tasks that seem useful for the preservation of clerical discipline, and which cannot be adequately performed by the official staff of the Vicariate.

SECTION 2.

a - Concerning Religious Institutes of Women, 31. Since the monasteries and other religious houses of women, which are located in the city, are subject to the same ordinary jurisdiction, we decree and establish that, from this day forward, from the day on which this Constitution takes effect, all of them shall be subject to the authority and ordinary jurisdiction of one Cardinal Vicar, suppressing any exemption privileges, by which some of these were subject to certain Cardinals, or secular or regular Prelates, and preserving, however, the protection of the aforementioned Cardinals, which they currently enjoy, or which may be granted to them in the future.

32. These monasteries and religious houses shall be governed and regulated by...

[*Latin ed. p. 13*]

Acta Pii PP. X. 13. Domibus religiosis mulierum, Cardinali Vicario adiuvabunt, prout in praesentia obtinet, sex sacerdotes maturae etatis, virtute et prudentia praeclari, qui, divisa Urbe in totidem regiones, delegati erunt monasteriorum regionis singulis attributae. 33. Huius sectionis a secretis munus erit, a) indicem conficere et ordinare servare monasteriorum omnium ac domorum religiosarum, cum recensione numeri religiosarum, moderatricum, operum quibus vacant, sacerdotum qui ibidem sacram ministeria explent, etc., cum aliis indicationibus ad rem facientibus; b) interesse coetibus ad quos delegati conveniunt, et scripta digerere ac servare quae in eis acta vel decreta sint; c) executioni demandare quae statuta sunt, si a Cardinale Vicario vel ab Adsessore ad hoc delegatur; et supplere si opus sit in casibus particularibus et ex delegatione, ut supra, aliquem ex delegatis in suis muneribus. 34. Delegatorum vero erit singulas domos in sua regione vel aliter suaecurae commissas identidem visitare; atque sub ductu et auctoritate Cardinalis Vicarii vel Adsessoris curare, ut in eis institutis disciplina servetur, ut scholae aliaque pia opera, quae in eis habeantur, recte procedant, ut rei familiaris administratio rite geratur, ut in pace et sanctitate moniales seu sorores convivant. Ipsorumquoque erit postulantes ac novicias examini subjicere, et vigilare ut in singulis domibus adsint sacerdotes qui sacellarii seu cappellani officio fungantur, iidemque confessionibus excipiendis et sacris concionibus habendis dissanctestudio seque vacant. Praeterea diebus a Cardinale Vicario pro sua prudentia statutis, utis conveniant, ut de rebus difficilioris momenti, aut de iis quae ad communem

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bonum spectant, praeside Cardinale Vicario vel Adsessore, pertractent. 35. Si qua autem peculiaris praescriptio necessaria sit, sive circa regularem religiosarum disciplinam, sive circa pia opera, quibus religiosae mulieres vacant, aut circa sacerdotes qui sacram ministeria apud eas explent, delegati hoc negotium neque sibi sumant ipsi, sed rem deferant Cardinale Vicario vel Adsessori in ordinario delegatorum conventu, vel etiam extra, sive ipsi per se, sive ope a secretis huius sectionis, ubi res urgeata aut alias necesse sit.

[*Latin ed. p. 14*]

14. *Acta Apostolicae Sedis.* - *Commentarium Officiale.* 36. Curatores etiam singulis biennium scripto referent quae in domibus religiosarum in sua regione notata digna sunt, quae laudanda, quae emendanda, quae opportune statuenda videantur; ut Cardinalis Vicarius sive ipse, sive per conventum delegatorum, omnia perpendere, et quae necessaria sunt statuere valeant. 37. Optamus denique ut remunerationes, quas haec institutio religiosa donaris singulis mensibus vel annis valent sacerdotibus qui in ipsa vel in earum domibus sacrum ministerium exsercunt, in posterum ad Vicariatum mittantur, ab eo, non a religiosis mulieribus, iis ad quos spectat prudentia Cardinalis Vicarii iudicio tribuentur.

SECTIO 3. - De scholis, collegiis aliisque educationis laicorum institutis. 38. Scholae ad erudiendam laicam utriusque sexus iuventutem, tam diurnae quam nocturnae, tam inferiores seu primariae quam superiores, quae libet, quovis nomine nuncupentur, omnes in posterum auctoritati et iurisdictioni Cardinalis Vicarii proxime subeant. Parimodo eius auctoritas proxime obnoxia erunt collegia aliaque instituta in quibus laica utriusque sexus iuventus educationis causa colligitur, salvis canonicae exemptionis religiosorum regulis. 39. Cessabunt, praesentis Constitutionis et in Cardinalem Vicarium transferentur iura et officia quae in aliquot scholis, asyla, collegia et similia instituta hucusque propria erant sive *Praefectae domus Pontificiae*, sive *Antistitis largitionibus Pontificis*, sive *Pontificii coetus praeservationis fidei*. Pariter cessabunt et in Cardinalem Vicarium transferentur iura et officia quae in aliquot scholis Urbis, ut vocant, aut gymnasiales similesve ad S. Congregationem Studiorum pertinebant. 40. Reditusa nobis quot annis tribui soliti ad harum omnium scholarum sustentationem, alii que quia singulis memoratis Pontificiis coetibus vel Praelatis pro scholis seu institutis unicuique propriis detinebantur aut offerbantur, in unum collecti a Cardinali Vicario administrabuntur iuxte normas constitutas in Officio V, ac distribuentur inter varias scholas et instituta.

[*Latin ed. p. 15*]

Acta PP. X. 15, respecting the founders and those offering their services, with justice and equity observed.

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41. The pontifical committee established by our predecessor, Pope Leo XI, in the year 1878, for the oversight of certain schools, will cease to exist; in its place, a Scholastic Council will be established under the authority and direction of the Cardinal Vicar or his Assistant. Those who are assigned to this Council will report to the Cardinal Vicar, observing the same rules as are applicable to examiners, as mentioned above.

42. In schools, colleges, and other educational institutions that are maintained temporarily by the Vicariate, the duty of the Scholastic Council will be to nominate and, if necessary, remove directors and teachers; to select the books to be used by the students; to oversee and protect the internal discipline of the students; to ensure proper and, as far as possible, perfect instruction; and to supervise the maintenance of buildings and school property. Whenever matters concerning expenses are to be decided, nothing shall be determined without consulting the Council of the Prefecture of Administration, as explained in chapter IV below, and obtaining its approval.

43. In schools and institutions that are supported by a particular cause or by a religious family, the duty of the Scholastic Council will be to ascertain who the directors and teachers are; what books are used; whether the religious and moral instruction is sufficient and proper; how Christian doctrine is taught and what acts of piety are practiced; whether the institution is in conformity with the laws and is useful; and to ensure that nothing contrary to the laws or harmful to health is permitted in the schools. If anything is found to be objectionable or less than proper, the Council, or by the vote of the Cardinal Vicar, will report it to the directors of the pious cause or religious family, so that appropriate remedies may be taken.

44. The duties and vigilance of the Scholastic Council also extend to all those works that are called "scholastic patronage" or that are named after schools, or that are called by some similar title.

45. To fulfill its duties of vigilance and care, the Scholastic Council will select certain inspectors, whose services it will utilize to visit the schools and the institutions mentioned above, and to examine their operations.

46. The secretarial duties of this section will be: a) to prepare and maintain an index and register of all schools, colleges, and institutions of the types mentioned above, noting which...

[*Latin ed. p. 16*]

Acta Apostolicae Sedis. - Commentarium Officiale. 16. Nam, inter moderatores et magistros, oportet ut discipuli seu alumni sciant qualis sit status rerum et morum in instituto; b) oportet ut participent in conventibus consilii scholastici, et ut recensant et in tabularium referant acta et decreta Cardinalis Vicarii eiusque scholastici consilii; c) oportet ut exequantur ea quae Cardinali Vicario eiusque scholastico mandantur.

SECTIO consilio 4. A - De statutis, si haec expressa sunt in mandatis

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confraternitatibus aliisque et operibus socialibus.

Consociationes 47. Ad hanc sectionem imprimis pertinet cura et vigilantia in sodalitates et archisodalitates, quantum ad Vicariatum de iure spectare potest, salvis scilicet singularum legibus, statutis ac privilegiis ab ecclesiastica seu Apostolica auctoritate rite recognitis, quibus praesenti Constitutione nihil detrahitur.

48. Praeterea, cum multa alia ex Dei gratia in Urbe sunt consociationes et opera, quae alicui finem religionis, caritatis aut iustitiae propositum habent, in bonum nunc ipsorum sociorum, nunc aliorum, aut totius societatis; haec omnia, quotquotalia similia in posterum instituuntur, curae huius Vicariatus partis atque auctoritati eius iurisdictioni Cardinalis Vicarii proxime subiecta esse volumus ac iubemus. Si quae ita consociatio vel siquod opus alicui Praelato vel S. R. E. Cardinali protectorem habeat, hoc protectionis munus ita accipiendum et intelligendum est, ut iurisdictio Cardinalis Vicarii integra semper maneat.

Auctoritas et iurisdictio Cardinalis Vicarii in memoratas consociationes et opera necessario sibi vindicantur, ut ab eo ipsa rata habeantur, ab eodemque statutorum approbationem impetrent in iis quae ad ipsum finem referuntur, nisi forte a Summo Pontifice statuta ipsa directo recepissent. Eiusquoque erit, vel Adessoris, vigilantiam in ea exercere, curam de iis habere, salvis semper legitimis eorundem statutis; et sacerdotes adsistentes, delegatos, destinatos confessionibus accipiendis, vel ut cum moderatore eis dem praebeant.

49. His exercendis muneribus suppetias Cardinali Vicario ferent varii coetus seu consilia, quae ad dirigenda uniuscuiusque generis opera et consociationes instituta forte inventa sunt, vel in posterum instituuntur.

[*Latin ed. p. 17*]

17. Acta Pii PP. X. Quare, primo loco in operibus socialibus, auxilium erit Cardinali Vicario et Consilio Dioecesano, qui curat actionem catholicam in Urbe, quae, juxta litteras apostolicas, firmum propositum iam habet: in coetibus virorum S. Vincentii Pauli, consilium centrale Romanum; in associationibus dominorum caritatis S. Vincentii Pauli, aliud consilium centrale Urbis; et ita in similibus.

50. Inter opera socialia, praecipuum locum obtineat, et longe maxime ad bonum religionis et societatis, opus catechismi. Volumus et mandamus, ut non intermissa cura et praecipua a Cardinale Vicario geratur.

51. Itaque in singulis parochiis, ad normam quae in constitutione Acerbo, die 15 mensis Aprilis anno 1905, praescriptae sunt, associatio canonice constituta habeatur, cui nomen: Congregatio Doctrinae Christianae. Cardinalis autem Vicarius et Adcessor vigilent sedulo ut parochi, et congregationes quas diximus, catechismum doceant ad legem praescriptam, eo modo et ratione quibus maxime alliciantur pueri ut intersint et germanam fidei mo-

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rumque doctrinam hauriant.

52. Ut autem Cardinalis Vicarius curam et vigilantiam tanto opere necessaria assidue et efficaciter exercere possit, consilium sex saltem sacerdotum constituet, quorum electio a Nobis et successoribus Nostris pro tempore erit approbanda: ii in officio per quinqueennium perdurabunt et, munere decidente, eodem modo ac examinatores cleri, de quibus supra sub numero 30.

53. Sacerdotum huius consilii munus erit, a) statistemporibus, subductu Cardinale Vicarii vel Adcessoris, convenire, ut quae necessaria vel oportuna sint ad catechismi opus excolendum in singulis parochiis decernant; b) visitare de mandato Cardinale Vicarii vel Adcessoris singulas paroecias, ecclesias vel scholas ubi catechismus docetur, et videre ac referre quam methodo, quo fructu christiana doctrina tradatur, et utrum scholae quae habentur sint satis ad iuventutis utriusque sexus institutionem, an aliae horis et locis aptioribus aperiendae sint; c) certamina instituere ad praemia inter praestantiores catechismalumnos unius vel plurium paroeciarum.

ACTA, vol. IV, n. 1. — 15-1-1912.

[*Latin ed. p. 18*]

18. Acts of the Apostolic Sees. - Official Commentary. 54. Concerning the archsodality and Christian doctrine established in the City, within the church of Saint Mary at the Tears, we wish to define the rights and duties pertaining to this institution, and we establish them by the present constitution, so that it may properly administer its church and provide for the needs of the poor, and may associate other sodalities with it for the purpose of participating in indulgences; however, it shall not interfere with the administration of diocesan catechesis. Therefore, the statutes of this archsodality must be amended in this sense and approved by the Cardinal Vicar. 55. Regarding the hospitals that are currently located in the City and have been granted various privileges, we do not wish to deprive any religious order or congregation of the care of souls within these pious institutions; therefore, we decree and prescribe that, in the future, no religious man shall be sent to these hospitals for this purpose without the consent and approval of the Cardinal Vicar; moreover, we attribute to him the responsibility of overseeing these individuals and, if necessary, removing them from their duties; likewise, we attribute and reserve to him the responsibility of overseeing the nuns who perform works of pious charity there, removing any privileges, even those of a special nature, that might conflict with these provisions. We therefore command that, in the future, the superiors of religious orders and congregations, before sending any of their members to the hospitals, shall propose the name of the individual to the Cardinal Vicar and await his approval, so that he may lawfully exercise his sacred ministry there. 56. The duties of this section shall be: a) to compile and maintain an index of all sodalities and archsodalities in the City, as well as associations

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and social works, including a record of their presidents, the number of members, and the location where they convene or where their charitable work is carried out; b) to record in a register and preserve in the archives the proceedings of meetings or councils, as mentioned in nos. 49 and 53, letter a); c) to ensure the execution of any mandates explicitly ordered by the Cardinal Vicar or by his Assistant concerning these associations and works.

[*Latin ed. p. 19*]

Acts of Pope Pius X, APPENDIX. - 19 Concerning the Delegate to the Roman Territory. 57. Considering those who reside in the Roman territory, and desiring that, as long as the present conditions of affairs endure, we may decree that, under the authority and counsel of the Cardinal and Assessor, a priest be appointed who shall have the care of all matters pertaining to the salvation and discipline of the clergy and the faithful within that same territory. He shall be called the Delegate to the Roman Territory; and his election shall be made by the Cardinal Vicar, with the approval of the Supreme Pontiff. CHAPTER III. THIRD OFFICE. Concerning judicial matters. 58. The Ordinary and sole judge of first instance in all causes which can be brought before the ecclesiastical forum of the Roman diocese, suppressing all other tribunals and jurisdictions hitherto in force, shall be the Cardinal Vicar of the City. 59. However, he himself will not hear the causes, unless he has expressly reserved it to himself in a particular case; but he will do so through his Auditor, who shall hold his place in judicial matters and shall constitute a court with him, and who shall be the Official of the Roman diocesan curia. 60. He himself will not undertake to judge the causes, unless he has first reported to the Cardinal Vicar. Upon his consent, he will institute the judgment, and will bring it to a definitive sentence, observing the rules of common law. 61. To him is also reserved the judgment concerning funeral matters and other matters which hitherto belonged to the Clerks of the Chamber; therefore, their office and jurisdiction shall be suppressed. 62. An Auditor shall be appointed as a substitute, whose election is reserved to the Supreme Pontiff. 63. If a cause is not to be defined by a judge according to the norms of law, but by a collegiate tribunal, the president of this tribunal shall be the Auditor himself, unless the Cardinal Vicar has reserved the presidency to himself. 64. The election of those who shall perform the office of judging in the collegiate tribunal is reserved to the Supreme Pontiff. Among them, however,

[*Latin ed. p. 20*]

20. *Acta Apostolicae Sedis.* - *Commentarium Officiale.* Quotiens specialia quaestiones cum Cardinale Vicario vel Auditore a iudicando sunt, ea decernere Cardinali Vicario tribuiuntur.

25. Ad officium de iudiciariis negotiis, hoc est, ad Auditorem et ad offi-

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ciales eidem subiectos, spectat quoque processus conficere de dispensationibus matrimonialibus, de liberatione status seu de contrahendo, de correctione fidei, de nativitatibus, de matrimoniis et similium actionum, de recognitione subscriptionum et documentorum, aliaque huius generis. Quibus in negotiis pertractandis et definendis, communis iuris regulae, et his deficientibus, laudabiles ac probati Vicariatus usus erunt servandi.

30. Erunt in hoc officio de iudiciariis negotiis Promotor iustitiae, ac Defensor vinculi, a Cardinale Vicario cum approbatione Summi Pontificis eligendi. Nihil autem vetat quin haec munera unie idemque tribuantur, si ille par sit eisdem rite satisfaciendis.

35. Notarii, cancellarius aliique inferiores ministri, qui necessarii sunt ad explendos muneribus huius officii propriis, a Cardinale Vicario eligentur, praemissis eorum examine.

CAPUT I V. OFFICIUM QUARTUM. De administratione oeconomica.

40. Unica erit omnibus Vicariatus officiis administratio oeconomica, sub dependentia Cardinalis Vicario et Praelatie eidem administrationi Praefecti.

41. Ad eam conferendi sunt redditus universi ex rescriptis aliisque titulis quibusvis Vicariatuieiusque variis officiis obvenient. Ipsa area nummariamet pecuniaecapita custodiet, quae Vicariatuie sunt, et quae sacrae Congregationi Visitationis erant propria: ipsa pensiones et remunerationes solvat, subsidia distribuat (nisi aliter Cardinalis Vicarius in aliquo casu faciendum censuerit), oneribus satisfaciet, expensis occurret sive ordinariis sive extraordinariis, quae a Cardinale Urbis Vicario vel a Praelatis Vicariatus officiis praepositis probatae erunt.

42. Quamvis autem unica sit administratio, sors et reditus ex fundatione, aut ex expressa piorum oblatorum voluntate,

[*Latin ed. p. 21*]

Acta Pontificii Publici, pars X, 21, vel ea quae Summi Pontificis praeceptione aliquo officio vel opere tribuentur, sartae tecta eis servabuntur, et ab moderatoribus huius officii in praescriptum finem erogabuntur.

71. Huius officio etiam erit cura de conservatione et recta gestione bonorum parochialium, praesertim beneficio vacante, et bonorum ad pias causas pertinentium, maxime si hae piae causae propriae et distinctae administrationes canonicis legibus recognitas careant.

72. Pecunia arcaturus est secundum normas canonicas.

73. Praeterea, erunt inferiores officia, Cardinali Vicario cum approbatione Summi Pontificis eligendi, praestita pecuniaria cautione, qua erunt respondendi sorti vel pecuniae, de quibus ipsi possunt aliquando disponere: et eis, si necessitas exigere videatur, dari poterit a Cardinale Vicario cum approbatione Summi Pontificis aliquis adiutor.

74. Alter eorum officium munere rationis fungetur: alter vero distribu-

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toris et capsarii officium potissimum peraget.

75. Singulis mensibus, Praefectus administrationis rationem reddet Cardinale Vicario accepti et expensi. Quotannis vero, epilogamen totius administrationis conficiet, approbationi Cardinalis in Urbe Vicarii et Summi Pontificis subiiciendam.

CAPUT V. De interna officiorum disciplina.

76. Quae norma circa internam disciplinam statuta sunt in sacris Congregationibus aliisque S. Sedis Officiis, post constitutionem *Sapienti consilio*, eadem cum proportione servantur in variis Vicariatus officiis. Praesertim vero custodiantur quae statuta sunt de iuramento prestando ac de officiorum disciplina.

77. Singula quattuor officia tabularium suum, vulgo protocollo, habebunt, in quo recensio erit rerum ad illud officium spectantium, et acta et documenta servabuntur, de quibus adhuc quaestio esse poterit: deinde in archivum mittentur.

78. Tum tabularium tum archivum duplex erit, secretum aliud, aliud non secretum.

79. Ex his autem, etsi non secretis, nullum documentum neque exemplar extrahetur, neque cum ullo communicetur, nisi...

[*Latin ed. p. 22*]

Acta Apostolicae Sedis. - Official Commentary. At the request of the Cardinal Vicar, or of Prelates to whose office the matter pertains.

80. It shall be the duty of the administrators, to whom the tabling or archival office has been entrusted, to review, safeguard, order, and preserve the acts and documents, and to prepare and deliver copies thereof, as received by mandate, to those to whom they are due.

81. The archivist, or head of the archives, shall be chosen by the Supreme Pontiff. He shall be directly subordinate to the Cardinal Vicar, and in his absence or incapacity, to the Vicar General, saving the provision of canon 79, as mentioned above.

82. Concerning the times during which the administrative staff must be present in the offices, and regarding holidays, the Cardinal Vicar shall propose norms to Us, taking into account the laws which prevail in the Sacred Congregations, and which We Ourselves have approved. We decree that these present letters shall be firm, valid, and efficacious, and shall have their full and complete effect from the day of their promulgation in the Acts of the Apostolic See; and that they shall be null and void, and of no effect, if anything should happen contrary to them, without prejudice to Our and the Apostolic Chancery's regulations concerning legal matters, and to other Apostolic constitutions and ordinances, or any other valid laws, statutes, customs, or other provisions whatsoever, even those deserving of special mention.

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Given at Rome, at St. Peter's, in the year of the Incarnation of Our Lord one thousand nine hundred and twelve, on the Kalends of January, on the feast of the Circumcision of Our Lord Jesus Christ, in the ninth year of Our pontificate.

A. CARDINALTS AGLIARDI

C. CARDINALIS DE LAI

S. B. E.
Cancellarius.
S. C. Consistorialis a Secretis.
In place of the seal:

VISA M. RIGGI C. A.

Not. Reg. in Cane. Ap. N. 576.

[*Latin ed. p. 23*]

Acts of the Holy See, Pope Pius X, No. 23, LETTER. TO THE MOST REVEREND FATHER JOHN BAPTIST CASTRO, ARCHBISHOP OF CARACAS, CONCERNING THE RESTORATION OF THE DISCIPLINE OF THE CLERGY. Venerable Brother, greetings and apostolic blessing. — Your recent letter has brought us some solace, concerned as We are and anxious about the state of the Church in Venezuela, from which We learned that there is, as yet, no sign of any significant improvement. And first of all, We rejoice that you, Venerable Brother, and your colleagues in the Apostolic Delegation, give so much importance to the duties of your office; and We are also pleased to learn of the administrators of the Republic, and especially the illustrious President, whom We see to be animated by a genuine desire for the good of the Church, for justly, those who fulfill their duties are doing what is right, but also wisely: for if the morals and institutions of citizens are not tempered by religion, no state, founded on such an unstable basis, can long endure.

Indeed, it is necessary to address the afflicted state of this Church with courage and diligence, lest these evils, through delay in treatment, become incurable. All the Bishops of this Republic should undertake this task, but you easily see, Venerable Brother, that your role is to excel others in zeal and effort: this is demanded by the dignity of your office, and We ourselves pledge Our confidence in your devotion to duty. We know that you are endowed with all the virtues required of a pastor, so that everyone may look to your life as a model; and We are not unaware of how much you suffer at the thought of the hardships that afflict the Church of your homeland, to

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which you are so devoted. Therefore, there can be no doubt that you desire to serve the salvation of the Church to the best of your ability. However, We do not want you to be too discouraged by the difficulties, nor to consider them so great that nothing seems possible. Indeed, great burdens of annoyance await you as you strive to correct the perversity of morals, especially if these have become ingrained by habit; but take courage, confident in divine help, and strive bravely as much as you can. Even if you do not succeed in correcting everything that is wrong, your efforts will not be entirely in vain, and you will certainly be able to console yourself with the knowledge that you have done all that you could. Furthermore, this should also serve to encourage your diligence and that of your colleagues, since We are engaged in a similar cause with you, and therefore, whatever counsel you derive from this matter, We grant it with all Our authority.

[*Latin ed. p. 24*]

24 Acta Apostolicae Sedis, T Commentarium Officiale. We are mindful of your needs. And let those who wish to be counted among Catholics understand and consider this: it is a sacred law that they must honor those whom the Holy Spirit has placed to govern the Church of God; they cannot, as members, remain united with the Head of the Church unless they remain united with their bishops; and therefore, let no one act against your authority, for by doing so, they act against the Vicar of Jesus Christ, and seem to wish to separate themselves from the communion of the Catholic Church.

Now, the remedies to be employed to address such a variety of miseries in which the Church of Venezuela finds itself will be determined by your judgment: you see and assess the needs of your people; you will easily discover what is necessary to be done at the right time and for the matter at hand. One thing is certain: We, impelled by our apostolic office, earnestly and repeatedly urge you to, above all else, care for the discipline of the clergy, for since a large part of the clergy is corrupted, it is not surprising that the morals of the people have declined for the worse; once this is restored, you will have already done much to restore the dignity of Christian life among the people. Indeed, we know that there are priests among you who live righteously and in accordance with their most holy office; but we are deeply saddened by the fact that many live in such a way that they despise all the duties of the priesthood: all the more so because they often do more harm with their bad example than good with their good example. How can one persuade an ignorant multitude to value earthly and fleeting things less, to restrain their desires with virtue, to love one another with fraternal charity, when those who ought to be leading them to a good life are living a life that is quite the opposite?

We can no longer tolerate such a disturbance of order within the house of the Lord, a disturbance of which no family head would tolerate a similar

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one within his own home. The sacred statutes of canon law warn you; the constitutions of the Plenary Council of Latin America urge you, and these must never be forgotten; the prescriptions and recent decrees of this Apostolic See add encouragement: therefore, be attentive, and without delay, we implore you, put your hands to the task. Indeed, firmness and constancy are necessary, but always let paternal charity accompany you. For there is an incredible power in the works of charity to soften the stubbornness of souls; but if, at times, the paths of gentleness and indulgence should lead to no result, then do not hesitate to use just severity. And those letters with which We recently sent Our Exhortation to the entire Catholic clergy will be of great use in restoring the discipline of your clergy; for they provide a standard and a rule for priestly life, and they indicate the means by which the clergy should strive to live up to the holiness of their institute.

[*Latin ed. p. 25*]

Acta Pii PP. X. 25. "Therefore, it is my concern that all your priests receive these letters and read them carefully, taking them to heart."

"Meanwhile, while you deliberate on matters concerning the clergy in the present time, it is also necessary to look to the future. For if you wish, as you ought to wish, that better times may dawn for religion here, then a certain and principal part of your efforts must be directed towards the sacred youth, which indeed contains all the hope of the ecclesiastical order. Therefore, strive that your seminaries be such as the Council of Trent ordered, that is, homes of religion and doctrine, in which young clerics are properly instructed for the offices and duties of the priesthood.

First of all, with regard to discipline of morals, a grave and austere discipline must prevail there, under your guidance; and the students of the sacred studies must be thoroughly conformed to those virtues which are most fitting for a priest, namely, piety, chastity, concern for souls, and Christian humility, which is the foundation of all virtues. As for the method of studies that should prevail in your seminaries, you can find guidance in what We have prescribed in general. We only remind you to ensure that Thomas Aquinas is held and followed as the guide and master in the doctrines of philosophy and theology; for those students who have been trained according to his teachings will more easily avoid errors and fallacies of more recent times. And concerning languages, we do not approve of the frequent neglect of the study of the Latin language. You know what the Sacred Council recently commanded to all bishops, in Our name, regarding the regulation of studies. Therefore, it will be your duty to carefully ensure that you comply with this Our prescription.

Finally, remember that the Fathers of Trent wisely established that a double commission of appointed representatives should be present to safeguard both the discipline and the economic affairs of the seminaries, one consisting of two canons from the cathedral chapter, and the other con-

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sisting of two canons and two members of the clergy of the episcopal city. Since this law, which must be observed sacredly and inviolably, is of great importance for the proper administration and governance of the seminaries, you must, if such commissions do not yet exist, establish them as soon as possible, as your office requires.

Lastly, let us impress upon your minds and hearts that most serious voice of the Apostle: "Lay not your hands upon any man hastily." For if, after having taken all the measures necessary for properly educating the students of the clergy, you fail to take care not to admit to the priesthood anyone who is not worthy, you must consider all your efforts to have been in vain. It is indeed improper for a priest to be uneducated or not sufficiently instructed in doctrine, since he is supposed to instruct others in the path to salvation; and it is far more improper for one who exercises the ministry among the people, and is supposed to exemplify Christian virtues, to be immersed in the mire of vices. Therefore, no one should be admitted to the sacred orders unless he has demonstrated within the confines of the seminary that he is..."

[*Latin ed. p. 26*]

Acta Apostolicae Sedis. - Official Commentary. Those who have completed their course of studies with diligence and care know that it is not permitted for them. But if anyone, although well versed in studies, seems to have morals that are not entirely sound, let him not be ordained! For you yourselves understand that this would be a great crime. Indeed, it is far better to have no priest at all present, than to have one whose perversity of life offends, and who, for the sake of souls, brings pestilence and ruin to the Christian people. These things, remembering our own duties, we have reminded you of. It remains for you to carry out those things which you see to be your duty. And that this may be accomplished successfully, we invoke divine assistance, and to you, Venerable Brother, and to your Colleges, Clergy, and people, we impart our most loving apostolic blessing in this your episcopate. Given at Rome, near St. Peter, on the 8th of December, in the feast of the Lord, of the Immaculate Conception, in the year 1910, in the eighth year of Our Pontificate. PIUS PP. X. CONGREGATION CONSISTORIAL PROVISION FOR CHURCHES. By successive decrees of the Sacred Consistorial Congregation, the Most Holy Pope Pius X has provided for the following churches with their own pastors, namely: December 11, 1910. — To the cathedral church of Sabariensi, he appointed the priest John Mikes, from the diocese of Transylvania, and there he made him parish priest and archdeacon of the church of the city of Szekelyudvarhely. December 16. — To the cathedral church of Armenopolitana, or SzamòsUjvariensis, of the Greek-Catholic rite of the Romanians, he appointed the Reverend Basil Hossu, formerly Bishop of Sugosien of the Romanians. December 20. — To the cathedral churches of Recanati and Lauretana, he appointed the

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Reverend Alphonsus Andreoii, formerly Bishop of Feretra. December 30. — To the cathedral church of St. John of Cuyo, he appointed the priest Joseph Americus Orzali, from the archdiocese of Buenos Aires, and there he made him parish priest of St. Michael the Archangel in the city of Buenos Aires. — To the cathedral church of Lojana, he appointed the priest Charles Mary de la Torre, from the archdiocese of Quito, and there he made him a canon and theologian of the metropolitan church.

[*Latin ed. p. 27*]

Sacred Congregation of Rites. 27 SACRED CONGREGATION OF RITES, AUXIMANA. DECREE OF BEATIFICATION AND CANONIZATION OF THE VENERABLE SERVANT OF GOD, BENVENUTO BAMBOZZI, PRIEST, OF THE ORDER OF MINOR FRATERS CONVENTUAL. Born in Auximana, in the Piceno region, on March 25, 1809, to honest parents, Vincent and Elizabeth Frontalini, Benvenuto Bambozzi lived a life worthy of all praise from his childhood. Having been diligently instructed by his pious mother and family in the rudiments of the faith and the precepts of morals, and after having contributed his help in agriculture and domestic affairs, at the age of twenty-two, seeking tranquility and a closer union with God, he voluntarily joined the convent of St. Joseph, of the Order of Minor Friars Conventual, in that city. On December 3, 1832, he received the habit of religion, and, having completed his novitiate with commendable merit, in the following year, on the ninth of the same month of December, with a joyful heart, he made his solemn vows. He was then sent to Urbino for studies; during this time, as he made daily progress in virtue and doctrine, he merited to advance through the grades, from the lesser to the greater orders, until he reached the priesthood. Two years later, Benvenuto, now a priest, was sent to Pisaurum, at the request of the superiors, to dedicate himself entirely to the study of moral theology, both theoretical and practical, and also to better learn the art of arts, the governance of souls. In 1837, he was assigned to Camerano, where he left behind his greatest desire when he was appointed superior of the monastery of Fracta. He served the Sacred Tribunal, gave sermons to the people, and assisted the sick and dying, often saying that he was a man of the people. While presiding over this monastery, he was also elected Vicar of the Holy Office and exercised this office with gentle fortitude. By the will of God, and through the arrangement of the superiors, in 1844 he returned to his homeland, where he proved himself to be a suitable teacher, until, in 1861, due to the harshness and sadness of those times, the monastery was suppressed and the brethren dispersed, and he himself, along with one companion, was left as rector and custodian of the Basilica of St. Joseph. In 1866, the Servant of God suffered the same fate as his brethren, and, being received as a guest in a small house by a friend, he was a very useful helper to the parish priests of the city in all the works of the sacred ministry. Finally,

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after a life of apostolic labors, on the twentieth...

[*Latin ed. p. 28*]

28 Acta Apostolicae Sedis. - Official Commentary. On the fourth of March in the year 1875, he passed away from this life. The reputation of sanctity which the Servant of God had acquired during his life shone forth more and more brightly after his death. Therefore, in the ecclesiastical court of Auximana, Ordinary inquiries were begun and completed concerning such a reputation, and were transmitted to the Congregation of Sacred Rites in Rome. After a review of the writings of the Servant of God was completed, and after obtaining, through the passage of a decade and through the intervention and vote of Apostolic Dispensations, since nothing stood in the way of proceeding further, at the urgent request of the Most Reverend Lord Dominic Jaquet, titular Archbishop of Salamina and General Postulator of the Order of Friars Minor Conventual, and after attentive consideration of the petitionary letters of certain Eminences of the Most Holy Roman Church, of several Most Reverend Prelates, and of Superiors of Regular Orders, the Most Eminent and Reverend Lord Joseph Cardinal Vives y Tuto, Promoter of this Cause, in the meetings of the Ordinary Congregation of Sacred Rites, convened at the Vatican on the designated day, proposed the following question for discussion: Whether the Commission for the Introduction of the Cause should be signed in this case and for the purpose in question? And the Most Eminent and Reverend Fathers entrusted with the safeguarding of the Sacred Rites, after the report of the aforementioned Promoter, and after hearing also the voice and the written opinion of the Reverend Father Alexander Verde, Promoter of the Holy Faith, having diligently considered all things, judged it fitting to respond: Affirmative, that is to say, that the Commission should be signed, if it pleases the Most Holy [Pope]. On the 5th of September, 1911. After these matters were reported to the Most Holy Lord, our Pope Pius X, by the aforementioned Cardinal, Prefect of the Congregation of Sacred Rites, His Holiness approved and ratified the Decree of the aforementioned Congregation, and, with his own hand, deigned to sign the Commission for the Introduction of the Cause of Beatification and Canonization of the Venerable Servant of God, Benvenuti Bambozzi, professed priest of the Order of Friars Minor Conventual, on the 6th of the same month and year. FR. S. CARD. MARTINELLI, Prefect. L. S. Petrus La Fontaine, Bishop of Charyste, Secretary.

[*Latin ed. p. 29*]

The Roman Rota.

THE SACRED ROMAN ROTA.

I. In the Sacred Roman Rota, the following causes were heard under

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seal, and the definitive judgment is published only in part, in the following manner:

I. NICIEN. – Nullity of Marriage. The question proposed was: Whether the nullity of the marriage can be established in this case; The Reverend Fathers and Doctors of the Rota, namely S. Many, Ponens, F. Heiner, and I. Prior, on January 24, 1911, judged that the answer should be: Affirmative. An appeal was interposed against this judgment.

II. AGRIGENTINA. – Impediment to contracting marriage. The question proposed was: Whether an impediment to contracting marriage can be established in this case, and whether the place is suitable for the restitution of damages in this case; The Reverend Fathers and Doctors of the Rota, namely A. Sincero, Ponens, I. Mori, and Fr. Cattani, on January 2b, 1911, judged that the answer should be: Affirmative in both respects.

III. TUNKINEN. – Nullity of Marriage. The question proposed was: Whether the nullity of the marriage can be established in this case; The Reverend Fathers and Doctors of the Rota, namely F. Heiner, Ponens, I. Prior, and A. Sincero, on January 31, 1911, judged that the answer should be: Affirmative.

IV. SUESSANA. – Removal from the parish. The questions proposed were: i) Whether the judgment issued by the Reverend Tribunal can be declared null, so that either the hatred of the people or other reasons adduced for the removal, together with the clause added regarding the return to the parish, cannot be sustained in this case; ii) Whether the provision regarding the appointment of a parochial vicar can be sustained in this case; The Reverend Fathers and Doctors of the Rota, namely I. Mori, Ponens, F. Cattani, and A. Perathoner, on February 3, 1911, judged that the answer should be: To the first question, Negative; to the second, Affirmative.

V. GNESNEN. – Regarding the patronage. The question proposed was: Whether the Reverend N. N., pastor of the place X, was rightfully denied the benefit of the parochial endowment by the Reverend Tribunal; The Reverend Fathers and Doctors of the Rota, namely A. Sincero, Ponens, I. Mori, and

[*Latin ed. p. 30*]

30. Acta Apostolicae Sedis. - Official Commentary. On February 14, 1911, Father Cattani, among others, deemed it necessary to respond: Negatively. An appeal was interposed against the judgment.

VI. NANNETEN. - Regarding the Nullity of Marriage. The following question was proposed: Does the nullity of the marriage in this case exist? The Most Reverend and Reverend Fathers, Auditors on duty, namely, I. Mori, Ponens, F. Cattani, and A. Perathoner, on February 25, 1911, deemed it necessary to respond: Affirmatively.

VII. PANAMEN. - Regarding the Nullity of Marriage. The following

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question was proposed: Does the nullity of the marriage in this case exist? The Most Reverend and Reverend Fathers, Auditors on duty, namely, I. Mori, Ponens, F. Cattani, and A. Perathoner, on April 11, 1911, deemed it necessary to respond: Affirmatively. An appeal was interposed against the judgment.

VIII. ROMANA. - Regarding the Nullity of Marriage. The following question was proposed: Does the nullity of the marriage in this case exist? The Most Reverend and Reverend Fathers, Auditors on duty, namely, A. Sincero, Ponens, I. Mori, and F. Cattani, on May 12, 1911, deemed it necessary to respond: Negatively.

IX. PARISIEN. - Regarding the Nullity of Marriage. The following question was proposed: Does the nullity of the marriage in this case exist? The Most Reverend and Reverend Fathers, Auditors on duty, namely, I. Prior, Ponens, A. Sincero, and I. Mori, on May 23, 1911, deemed it necessary to respond: Affirmatively.

X. CINGINNATEN. - Regarding the Nullity of Marriage. The following question was proposed: Does the nullity of the marriage in this case exist? The Most Reverend and Reverend Fathers, Auditors on duty, namely, I. Prior, Ponens, A. Sincero, and I. Mori, on June 9, 1911, deemed it necessary to respond: Affirmatively.

XI. CONSTANTINIANA. - Regarding Defamation. The following question was proposed: Is the Royal judgment of December 12, 1910, to be confirmed or rejected in this case? The Most Reverend and Reverend Fathers, Auditors on duty, namely, F. Heiner, Ponens, Prior, and Sincero, on June 19, 1911, deemed it necessary to respond: That the judgment is to be rejected, that is to say, that defamation is established, so that there is grounds for the restoration of damages in this case. An appeal was interposed against the judgment.

[*Latin ed. p. 31*]

& Romana Rota. December 31st. PARIS. – Concerning the Nullity of Marriage. The following question was proposed: Whether the nullity of a marriage can be established in this case; The Most Reverend and Learned Auditors of the Rota, namely, S. Many, Ponens, F. Heiner, and I. Prior, on the 28th of June, 1911, judged that the answer should be: Affirmative. XIII. ORTHONEN. – Concerning the Nullity of Marriage. The following questions were proposed: 1st, Whether the decision of the Rota of June 15th, 1910, should be confirmed or rejected in this case; 2nd, Whether counsel should be given to the Lord Pope concerning a dispensation from a marriage that is valid but not consummated in this case; The Most Reverend and Learned Auditors of the Rota, namely, G. Sebastianeiii, Ponens, S. Many, and F. Heiner, on the 15th of July, 1911, judged that the answers should be: To the first question, the decision should be confirmed; To the second, Affirmative, with a prior regularization of the

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proceedings. XIV. CONSTANTINE. – Concerning the Nullity of Marriage. The following question was proposed: Whether the nullity of a marriage can be established in this case; The Most Reverend and Learned Auditors of the Rota, namely, I. Prior, Ponens, A. Sincero, and I. Mori, on the 18th of July, 1911, judged that the answer should be: Affirmative. XV. PANAMA. – Concerning the Nullity of Marriage. The following question was proposed: Whether the decision of the Rota of April 11th, 1911, should be confirmed or rejected in this case; The Most Reverend and Learned Auditors of the Rota, namely, F. Heiner, Ponens, I. Prior, and I. Alberti, on the 29th of July, 1911, judged that the answer should be: The decision should be confirmed. XVI. ROME. – Concerning the Nullity of Marriage. The following question was proposed: Whether the nullity of a marriage can be established in this case; The Most Reverend and Learned Auditors of the Rota, namely, A. Sincero, Ponens, I. Mori, and F. Cattani, on the 28th of August, 1911, judged that the answer should be: Negative. An appeal was entered against this decision. XVII. NICE. – Concerning the Nullity of Marriage. The following question was proposed: Whether the decision of the Rota of January 24th, 1911, should be confirmed or rejected in this case; The Most Reverend and Learned Auditors of the Rota, namely, Rmus M. Lega, Dean, Ponens, G. Sebastianeiii, and I. Alberti, on the 30th of August, 1911, judged that the answer should be: The decision should be confirmed. At Rome, from the Chancery of the Holy Roman Rota, on January 10th, 1912. Sac. Tancredes Tani, Notary.

[*Latin ed. p. 32*]

32. Acta Apostolicae Sedis. - Official Commentary. H. SALUTIARUM. During the blessed reign of Pope Pius X, in the ninth year of his pontificate, on September 2, 1911, the Most Reverend and Most Reverend Fathers Aloysius Sincero, Prefect, Joseph Mori, and Frederick Cattani, Auditors at Tournon, in the case of "Salutiarum - Iurium," between the Archpriest and Parish Priest of the Cathedral Parish Church of Salutiarum, James Conte, the plaintiff, represented by his lawful procurator, Aloysius Lavitrano, Advocate, and the Chapter of the same Cathedral Church, represented by their lawful procurators, Vincent Sacconi and Angel D'Alessandri, Advocates, rendered the following definitive judgment.

1. In Salutiarum, within the Diocese of Turin, there was, from very ancient times, a Parish Church called the Pfarrei of the Blessed Mary, which was distinguished by its great antiquity and abundance of inhabitants. In the year 1483, Cardinal Dominic Della Rovere, by letters dated January 21, which begin: "Through the immaculate..." by the authority of the Apostolic See, which he exercised by the letters of Pope Sixtus IV, newly erected the aforementioned Parish Church into a Collegiate Church with a Chapter, choir, seal, and other collegiate insignia, and endowed it with all collegiate privileges, prerogatives, titles, and honors. And in it, he newly erected and

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instituted a Deanery, which held the principal dignity there... as well as an Archdeaconate, a Praepositura, and an Archpriestate, to whom the care of souls pertains. Furthermore, in the year 1511, Pope Julius II elevated the same Collegiate Church into a Cathedral Church, with the eminences, honors, and privileges with which other Cathedrals of the Church are endowed by law or custom.

The present case between the Archpriest James Conte and the Chapter of the Cathedral Church concerns the following issues:

1. To what extent, and under what limitations, does the habitual care of souls belong to the Chapter, or rather to the Archpriest, in this case?

2. Does the Archpriest, in this case, have the right to exercise the actual care of souls entirely, exclusively, and independently of the Chapter?

3. Is the Archpriest to be considered the true Parish Priest, and can he exclusively represent the Parish before the Chapter?

4. To what extent, and in what manner, does the governance of the Cathedral Church belong to the Chapter or the Archpriest in this case?

[*Latin ed. p. 33*]

33. The Roman Rota, 5th Decree. An Archpriest has the right to reside in the house adjacent to the Cathedral Church, and to adapt that house for residential use at his own expense, and independently of the Chapter.

I. 2. The first question pertains to the care of souls, both habitual and actual; the power to perform those duties which belong to the administration of the Sacraments and other similar matters, which in ancient times were most often performed by the Bishops themselves, or by the Archpriest of the Cathedral, and which are subsequently called "cura animarum" by the decretals. Marius Lupus, *De Paroeciis* before the year 1000, discourse 2, chapter 10; Bouix, *De Parocho*, Part I, Chapter V, § IV, and now is exercised by the parish priest, who is commonly understood to be a priest legitimately appointed, to whom, by virtue of his office, belongs the obligation and the right, properly and independently and fully, to exercise his own care of souls over a certain number of faithful who regularly reside within a defined territory of the diocese, and who, in turn, are in some measure obligated to receive the sacraments from the same priest. Wernz, *Ius Decret.*, Volume II, Title XXXIX, n. 821, I; Bouix, cited, Part I, Chapter IX, § II and III.

3. The "cura animarum," in this strict and proper sense, accepted as "cura" penitentialis, which is exercised "in foro animae," Barbosa, *De officio et potestate Parochi*, Part I, chapter 1, n. 47, "is in a twofold distinction: one is called actual, and the other is called habitual. Actual care," (from the same, Barbosa, ibid., n. 48), is that which one is actually obligated to perform for the people by necessity of office, "either by reason of the parish or the benefice in which he is canonically instituted and appointed. Habitual

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care, on the other hand, is distinct from actual care, and is said to belong to someone by reason of some benefice, but not in fact, because he does not have the power of execution, either by reason of the extinction of the spiritual title through accessory union, or because the parishioners have withdrawn for reasons related by Azor, *Inst. mor.* I. 3, chapter 12, question 6, or because he has been relieved of the burden of actually exercising it by privilege or custom."

4. But there is also another distinction or difference between habitual and actual care of souls, which is more common and customary. According to Bouix, cited, Part I, Section III, Chapter I, n. 2, one is said to have only habitual care if he does not actually exercise it, nor can he exercise it, but only to some extent can and must provide that it be exercised by someone else, under the name of a vicarious. For example, the Cathedral Chapter, when it has attached to it the care of souls. On the contrary, one is said to have actual care if he actually has the responsibility of exercising it. Or, to put it more accurately, as Wernz defines, cited, n. 821, II, the parish priest has habitual care of souls neither in fact nor by addition, Vol. IV, n. 1. - 15-1-912. 3.

[*Latin ed. p. 34*]

34. Acta Apostolicae Sedis. - Official Commentary. The competence to exercise this right pertains to the Chapter, but it can and should only provide for its exercise through a vicar; therefore, the true pastor is not the Chapter, but this title of pastor serves only to safeguard certain rights; the actual pastor is he who, in fact and in law, actually exercises the care of souls. This distinction between the two is often raised, especially in Chapters in Italiae (Italy), as Friedberg-Ruffini notes in *Trattato dei Diritti Ecclesiastici*, § 71, note 12. 5. However, what is of greatest importance in our matter is that this distinction between the two arose only after the Council of Trent. Bouix, in the cited work, and ibid., Chapter II, § III, Preface; Rivarolo, *Governo della Parrocchia*, Part III, Chapter VII, II; the Roman Rota, before Sebastiani, in the case of Faesulana-Iurium, February 16, 1911. Indeed, the Council of Trent, in Session VII, De Reformandâ, chapter 5; Session XXV, De Reformandâ, chapter 16, and especially in the aforementioned Session VII, chapter 7, decreed that ecclesiastical benefices with cures, which were attached to cathedrals, collegiate churches, or other churches or monasteries, benefices, or colleges, or pious institutions, should be visited annually by the local Ordinaries, who should diligently ensure that the care of souls is properly exercised through suitable vicars, even perpetual vicars, unless it appears to the Ordinaries that it is more expedient for the good governance of the churches to do otherwise... ibid. 6. Now, in the case of which entity is competent for the habitual care of souls, it must be determined primarily whether it is the Chapter or the Archpriest, and this is to be determined primarily from the document of the erection of the parish church of

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Salutiarum as a collegiate church, as Rebuf notes in *Praxis Beneficiorum*, title on perpetual vicars, numbers 2 and 6 at the end, and as the Roman Rota stated before Goccino, decision 1208, number 3; and before Guaxardo in the case of Melevitana parochialis, decision 400, page XVIII, volume 1, numbers 2-5; and before Celso in the case of Romana-Iurium, paragraph 4, decision 1651, page XI, number 1, recorded. And only when it is not known from the beginning of the erection, must one resort to conjectures, indications, and presumptions. Arguments are drawn from Innocent, in the chapter *postulasti*, on the right of patronage; John Andrea and others, in the chapter *nobis* in the same title; Alexander III, constitution 6, numbers 1 and 2, book II; Barbosa, *De Canonicis et Dignitatibus Ecclesiasticis Cathedralibus et Collegiatis*, Chapter II, number 9. 7. Indeed, the parish church of Salutiarum was erected as a collegiate church in the year 1483, with letters dated January 21 of the same year; therefore, this occurred before, not after, the Council of Trent. Since, therefore, Chapters or colleges could, in fact and in law, exercise the care of souls through themselves before the Council of Trent, and in fact, many Chapters did exercise that care, all efforts were made to...

[*Latin ed. p. 35*]

The Roman Rota. With 35 canonical votes in favor, as stated by Bouix, *I. c.* Part I, Section III, chapter II, § c, Praenotations 1 and 2; for indeed, only after the Council of Trent were colleges, at least in a regular manner, able to exercise the care of souls by themselves, which had always been united to and attached to them, but this same care was to be exercised in fact and in law by suitable vicars appointed by the Ordinaries; and with a single word, after the Council of Trent, and from its very inception, the distinction between habitual and actual care, not only in name and terms, but in the very thing itself, or substance and concept, that is, legally, as it is now called, the institution, it is clear that the care of souls, which is said to belong to the Archpresbyterate in the founding documents, cannot be understood as a care that must be exercised by the archpresbyter in fact and in law as a vicar, whether removable or permanent, to the extent of the Council of Trent itself.

8. But now, to delve more deeply into the question and to define it more precisely in this case, it must be further noted that habitual care, distinct from actual care, can belong to a chapter, or a collegiate church, or a cathedral church, either by transferred right, or by native right; Rota before Muto, Vicenza-Hebdomadariae, July 4, 1698, no. 13. By transferred right, when a parish church or an ecclesiastical benefice has been united and permanently attached to a chapter, Council of Trent, cited, or fully incorporated, Pirhing, *Ius Can.*, Book III, Decrees, Title V, no. 218; Schmalzgr., *Ius eccles.*, Vol. III, Part I, Title V, nos. 194-198. For then the care previously belonged to the parish church or to the benefice, and afterwards it is trans-

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ferred to the chapter, Rota before Muto, cited. By native right, if a collegiate or cathedral church is established with the care of souls, or as a parish or curacy, and a vicar is assigned to the collegiate church to have charge of the care, Rota Romana-Vicariae before Coccino, November 8, 1621, decision 316, p. IV, vol. II, nos. 1-2. A sort of middle ground exists, if a parish church is established as a collegiate church, in which the archpresbyterate is the highest office, and the archpresbyter must exercise the care of souls himself; Pignatelli, *Consult. Canon.*, Vol. IX, Consultations 150 and 169, or in which, as Pitonius explains more accurately, *Discept. eccles.*, Part II, Disputation XLV, the care of souls is exercised by the archpresbyter, or by the highest office, as the head of the college.

9. We are not dealing here with transferred right in the strict sense, but neither are we dealing with native right in the strict sense, as is evident. For the parish church, or the rectory of the Blessed Mary, was not incorporated into the collegiate chapter, since that did not yet exist; nor, indeed, was a vicar given to the collegiate church that already had the care of souls, nor was a permanent vicariate established there; but the church itself is a paro-

[*Latin ed. p. 36*]

36 Acta Apostolicae Sedis. - Commentarium Officiale. A collegiate church is created. Therefore, only the third form, or reason, can be questioned in our case. 10. In this matter, it must be carefully noted that Pignatelli establishes and judges that, precisely because the church is collegiate, such care pertains by right to the chapter, and he teaches that it is a rule that the care attached to a collegiate church pertains, in law, to the chapter itself, but in fact to the person to whom the exercise of that care is entrusted, and that it is defined that in these collegiate churches, in which the presbyters who minister the divine things form a college, "the archpriest, prior, or dean, or another, is not as a parish priest, but as the 'head of the college'," Pignatelli, cons., 150, n. 3; where he cites Bald., consil. 74, n. 4, lib. IV, and Rotam, coram Cavaler., decis.^274, n. 4. Pitonius explains this more accurately, citing, n. 4, stating: "Nevertheless, it seems to me that the opinion is truer that in a collegiate church, the habitual care resides by right with the chapter or college, for the reason that the archpriest in the collegiate church is as the head of the college and not as a parish priest, and he exercises the care in the name of the college, as its head, since the university, or body of the college, cannot exercise the actual care of itself, but must exercise it through one who represents the interests of the university, as is the dean, prior, or archpriest, as Pignatelli notes, 'dict. Consult. 150, n. 3, in distinction from the archpriest in a cathedral, to whom the exercise of the care of that same cathedral pertains, and thus he is considered a parish priest there, according to Text. in cap. 1 and cap. Officium de off. de Archipresbytero; Merlino, decis. 480, n. 5; and confirmed by the Holy Congregation in Firmana, July 4, 1654, apud

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Pignatelli, where above, n. 16′." 11. And from this it follows that Pignatelli, Consult. 169, n. 9, affirms that the habitual care resides with the college by reason of the very erection of the parish church into a collegiate church, in which there were instituted one archpriest, the principal dignity, who was to exercise care of souls himself; for the reason that the archpriest is the principal dignity, he exercises the care of souls as the head of the college. Cons., 150, n. 3, or as a minister of the chapter and college. Cons. 169, cited, n. 10. 12. Indeed, the letters of erection of the Parish Church of Salutiarum into a Collegiate Church grant no care whatsoever to the College or Chapter, since they do not even mention it with regard to the care of souls. They certainly assigned the care of souls to the Archpriestate, but within, or in, the newly erected Collegiate Chapter of Salutiarum. The archpriest is not the principal or first dignity, but the fourth, namely, after the Deanery, the Archdeaconate, and the Presidency; therefore, the archpriest exercises this care by himself, as we speak with Pitonius, and not in place of the college.

[*Latin ed. p. 37*]

The Roman Rota. 37, 13. Therefore, because the instrument of erection granted no care whatsoever to the Chapter or College, and yet, as was the case before the Council of Trent, it could indeed have granted all manner of and total care to the same; and because care was granted to the Archpriest, and the Archpriest is not the primary or principal dignity there, it must be concluded that habitual care of souls does not belong to the Chapter of Saluzzo, but that both, habitual and actual, pertain to the Archpriest.

14. From this, it immediately becomes apparent that the presumptions and authorities presented in favor of the Chapter by its patrons are lacking in foundation. The rule cited from Pignatellio and Pitonio, that in collegiate churches, habitual care belongs by right to the chapter, and only actual care is exercised by the archpriest, or is merely a presumption, Scarfant., *Lucubr. Canonie*, L. III, Tit. III, n. 32, which must yield to truth, and has no place where it is clearly established from the beginning that the contrary is the case, Barbosa, cited, *De Canonie*, or in the authorities cited, proceeds from the fact that, as we have seen, the archpriest is like the head of the college, Pignatel., cited, cons. 150, n. 3, is the primary dignity, Pignatel., cited, cons. 169, in fact, or the principal dignity, ibid., n. 9; namely, that the archpriest in the collegiate church is like the head of the college, who represents the interests of the university, Piton., cited, n. 4. Also, it is far from the case that the cause or situation considered by Pignatello, consult. 169, is similar to ours, so much so that, as regards the point of law, it is quite different. Hence, it is also explained why the Sacred Congregation of the Council, in the case of Mazarien, on January 12, 1743, decreed that habitual care belonged to the Chapter; for there, the care of souls was incumbent upon the "cantorate which was the principal," and the "deanery which was

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the second dignity," and they were considered to be exercising the care as the head of the College.

15. Nor does the authority of the Rota in Romana-Vicariae, before Coccino, cited, which was presented by the patrons of the Chapter, prove anything against the Archpriest, the summary fragment of whose decision is quoted. For in the body of the decision, n. 1-2: "The Lords judged that all manner of actual care was entirely with said "vicarius," while habitual care was with the chapter; the reason for the decision was that "it is certain that since this collegiate church was also a parish before the erection of said "vicariatus, the care resided with the chapter... and therefore "the Pope, by erecting a perpetual vicariate and transferring the care to the "vicarius, did nothing other than to constitute him as the actual administrator of the care "of souls, although he is not properly the pastor of the church... removing the care from "the chapter... while the habitual care remained with the chapter..." Therefore, the Rota does not deduce habitual care from the nature of the collegiate institution.

[*Latin ed. p. 38*]

38. Acta Apostolicae Sedis. - Official Commentary. This argument, however, is based on the fact that the collegiate church was already a parish church before the erection of the vicariate; which are not the terms of our question.

16. Furthermore, the authority of the Rota, in the case of the Melevitana parish, cited above, is cited against the Chapter, not in its favor. The Chapter presents only a fragment of this case; the Rota states: "Although the rule is that 'in a collegiate church, the habitual care resides with the college, and the actual care only with the vicar,' nevertheless, what is permitted or granted either when a vicar is given to a collegiate church that already has care, or when a parish is united with the collegiate church with all its rights and revenues, does not apply..."

17. Even less relevant is the authority of Viviani, *Prax. iurispr.*, Vol. II, Chap. VII, § 31, because it is certain that a vicar has only actual care, if the entire Chapter entrusts the exercise of care to this vicar, with the approval of the Chapter. But these are not the terms of our question.

18. Nor is it helpful for the Chapter to present the interpretation of the formula "to whom the care of souls pertains" offered by its Procurators. Both the Rota and the canonists interpret this care as referring to actual care, not because a collegiate church, by virtue of being a collegiate church, has habitual care, but because it is established and certain, either from the terms of the foundation and erection of the collegiate church, or from the terms of the erection of the vicariate in a collegiate church that already has care, that the Chapter has habitual care. The Rota teaches in *Romana iurium parochorum Celso*, December 1651, n. 1: "The Lords did not question that 'habitual care' resides with the canons and the Chapter... and they

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deduced this both from the *Bulla Innocentii VIII* and also from another *Bulla Leonis X*... and then, in n. 12, the same Fathers considered that it was not necessary that the archpriest should be present in the Apostolic proceedings regarding the archpriestship, with the assertion that 'to him pertains the care of souls.'" The same must be said of Panimollo, whom the Chapter or its Patrons oppose to the archpriest; for in *Pignatello*, cited, consult. 169, n. 1: "It would not even matter if in the provisions obtained from the Apostolic See, 'the care of souls' is said to pertain to the archpriest. Because it is a narrative of the provisions which should not prejudice the Chapter..." Therefore, if from the terms of the erection it is established that habitual care pertains to the Chapter, the terms of the provision made to the archpriest should not prejudice the rights of the Chapter, and therefore must be interpreted according to the terms of the erection. However, in our case, the terms of the erection contradict the habitual care of the Chapter; therefore, those words...

[*Latin ed. p. 39*]

The Roman Rota. 39 Bulls of erection, which state that "the care of souls is incumbent," cannot, nor ought they, to be understood, either from the subject matter or from common law, to refer only to actual care. The same is taught by the Rota in the case of the Vicariate of Romana, before Goccino, on November 8, 1621, cited, the fragment of which is presented against the Archpriest; for there, in n. 8, the terms of the decision were concerning the erection of a perpetual vicariate in a collegiate church, and therefore the Rota rightly concludes, ibid., n. 12: "that when the Pope 'wishes a vicariate to exercise the care of the souls of the Church,' these words are to be understood from the law and are to be understood as pertaining to the actual [care], and not to the habitual [care], since that is the nature of a perpetual vicariate, which receives [its charge] from the hand of the rector." Indeed, there is no doubt that if it is said that the care is incumbent upon a perpetual vicariate in a church that is already a collegiate church, those words are to be understood by the law as pertaining to actual care, since that is the nature of a perpetual vicariate, as the Rota aptly adds. But in our case, the Bull of erection does not at all say that the care is incumbent upon the perpetual Vicariate, but upon the Archpriest.

19. Furthermore, that interpretation is not helpful, which the Patrons of the Chapter consider and present from the Rota in the Vicariate of Barchinona, before Merlino, on May 12, 1624, namely, that even a vicariate that exercises only simple care rightly has care; for there, the Fathers, after, in n. 3-4, having taught that "in this union it was openly stipulated that the vicariate should be presented by the archdeacon and instituted by the Ordinary, which manifestly excludes concurrence and most clearly shows that the care itself was transferred only as to its exercise, while as to its holding, it remained with the archdeacon," they then conclude that it does

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not infringe upon the rights of the archdeacon that the vicariate is said to have care, since even a vicariate that exercises only simple care rightly has care. But it would be inappropriate to deduce from this that he who is said to have care, actually has it only in act, or as a vicariate: these are not convertible.

20. And even less helpful is the proper signification of the words, which the Patrons of the Chapter deduce from Barbosa, De Par., part I, c. I, n. 76-77, whose words they present as if mutilated. For Barbosa teaches, ibid., n. 76: "when we have words denoting an act, it is not sufficient to have a habit, unless there is also an act." Therefore, the words of Barbosa are to be understood affirmatively as to the act, and not privatively as to the habit, and the meaning in our case is not that it is sufficient that the Archpriest, who is said to have care, has it by habit.

21. The argument in favor, however, is ineffective and foreign to the law.

[*Latin ed. p. 40*]

40. Acta Apostolicae Sedis. - Official Commentary. Chapters added, concerning that which, formerly belonging to the parish church by right of ownership, afterwards passed, as it were, by inheritance to the collegiate church erected from it. It is not permissible to draw analogies to absurd conclusions, such as to suppose that the care of souls is like a good existing in property or patrimony, which passes, as it were, by inheritance to a successor. Furthermore, the Patrons of the Chapter should note that the requirements for proving that a church is parochial are to be considered in opposition to other inferior churches or chapels, and not in opposition to the office or function of the parish priest. Barbosa, cited, De officio et potestate Parochi, p. 1, c. 1, n. 26-31, compare Aichner, Ius ecclesiae, § 76 and § 126, 2; Wernz, cited, II, n. 821.

22. Regarding the argument, or rather the indication, presented in favor of the Chapter's habitual care, based on the fact that an Archpriest was named there for almost three centuries, it should be noted that he was named not as a vicar, but as an Archpriest, to whom, from the terms of the erection, the care of souls was incumbent.

23. The indication concerning the perception of tithes and mortuary dues, presented in favor of the Chapter's habitual care, should be noted with Barbosa, cited, n. 31-35, that although the perception of tithes, and the same may be said of the perception of mortuary dues, can sometimes indicate care with the recipient, as in the Decisions cited, through the Rotam, decision 489, n. 3 in fine, p. 1, recently; it does not always, nor necessarily, indicate this. Just as tithes can also be acquired by a church that is not parochial, by some other title than the divine right by which they are due to parochial churches, Exodus, c. 20 in fine, and this is explained in chapter 1, and in the chapters concerning people, and in the pastoral chapter, concerning tithes; so they can be acquired by other churches

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by another title, such as prescription, chapter concerning what happens, chapter concerning when in its own, ibid. title, chapter 1, concerning prescription in 6; Rebufï, de decim., q. 23, n. 6; Abbas, cons. 94, n. 2, vol. 1; Covarr., lib. I, var. c. 17, n. 6, and this was considered in the Parochial Church of Florentina, May 22, 1630, before Coccino, so also tithes could have been acquired by the Chapter of Salutiarum by another title, namely prescription, or translation, or something similar, and in fact, we do not deny that they were acquired in that case; but they were not necessarily acquired by the title of habitual care. Certainly, the right to receive tithes and other similar things, in general, is only a presumption of right, Pichler, Ius Decr., L. II, Tit. XXIII, n. 5; but in particular, this and other signs, such as if the Chapter participates in the emoluments of the care, although otherwise of great importance, can sometimes be ambiguous. Scarfantonius, Lucubrationes canonicae, Lib. III, Tit. III, n. 39.

24. The same must be said of the assertions issued by Bishops.

[*Latin ed. p. 41*]

The Roman Rota. In cases concerning visitations, or other similar matters, it is asserted that the habitual care pertains to the Chapter. Scarfant., cited, n. 31. For these are merely indications and presumptions. Indeed, concerning these and all other signs, or presumptions presented by the Patrons of the Chapter, firstly, one should not resort to signs, indications, or presumptions, unless it is established that there is no knowledge of the origin of the foundation; secondly, presumptions must yield to truth, which in our case is manifest and clearly demonstrated from the founding documents, as stated above. Therefore, it must be judged that the habitual care pertains not to the Chapter, but to the Archpriest in this case.

25. It cannot be objected that habitual care cannot pertain to the Archpriest or the Archpriestate, because in that case, it would be necessary to exercise it de jure and de facto through a vicarious; for this is verified in the case of the union or incorporation of a parochial church or benefice with a curate, Aichner, cited, § 79, n. 2, but not in our case, Piton., cited, n. 1, 3, and 4; Gennari, Questioni Canoniche, n. 379, page 459.

II. 26. It is not in doubt, nor can it be doubted, that the Archpriest in this case has the actual care of souls. The question is only whether he has the right to exercise the entire care exclusively and independently of the Chapter.

27. In this matter, it is by no means doubtful that the Archpriest, and even more so because he has not only the actual care, but also the habitual care, has a well-founded intention, based in law, regarding the entire care, Scarfant., cited, vol. I, Decisions, page 257, n. 3, and page 15, n. 16, and Lib. IV, Title X, n. 16; Piton., cited, n. 1, and to exercise it exclusively and independently of the Chapter.

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28. The Patrons of the Chapter contend that the Chapter possesses certain rights that manifestly pertain to the actual care of souls, and they also believe that from this, the habitual care of the Chapter is also proven and confirmed. However, it must first be observed that habitual care does not necessarily follow from these things; then, these rights, as stated above, may have been acquired by the Chapter only by the title of prescription, or usucaption, and it must now be considered whether this prescription was legitimate and valid.

29. As for the facts, the Patrons of the Chapter allege an immemorial possession and an ancient custom dating back before the memory of men.

[*Latin ed. p. 42*]

Acta Apostolicae Sedis. - Official Commentary. concerning a chapter which details several offices which, by common parochial discipline, are strictly held. In law, any usucaption [acquisition of property through prescription] begins and is established by possession; D'Annibal., Moral Theology, II, n. 145; but in this case, the possession was based on a title that was invalid and defective. It is indeed certain that, from the very beginning, when the parochial church was established as a collegiate church, an agreement or remission of responsibility, or "regarding the office of the care of souls," existed between the Archpriest Bartholomew De Vaccis and the Chapter. However, in the year 1493, Archpriest Anthony De Vaccis, brother and successor of Bartholomew, at a chapter meeting held on December 14th, having been informed of said remission, approved and accepted it, with the approval of the Apostolic See and of another superior always reserved; indeed, from that time he remitted said responsibility, exonerating himself and burdening the conscience of the Chapter, with this condition attached, namely, that the Chapter would ensure that, in the following year, the Holy Apostolic See would accept the present remission. And in the case that this was not obtained from the Holy See, and the aforementioned Lord Archpriest was not released from the burden of said responsibility, after the said year had passed, both parties and each of them would be in their original state, as they were before the present agreement and remission. This agreement or remission concerned the care of souls, as is evident. However, the Apostolic approval was not obtained: not only is it not certain that it was obtained, but neither was the Archpriest actually released from the care of souls. If, however, the Chapter persevered in the care of souls, at least in exercising it in part, as is evident from documents dating back to the years 1486 and 1506, it must be considered that it exercised it under the title of that agreement or remission, which was entirely illegitimate and of no value, and therefore exercised it precariously, as if it were a temporary arrangement, and began a possession not only based on an invalid title but also on a defective one. Since, on the one hand, no one can change the basis of their possession, and on the other hand, prescription does not allow one

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to presume a better title than the one that existed, when it is established, as in this case, that the possession began with a title that was invalid and defective, it must be concluded that this usucaption, or prescription, or custom, is of no value.

30. Furthermore, to overlook the fact that this possession was not always continuous and peaceful, it was either ambiguous, or it is not proven that it was not such. For, if it is sufficiently proven from the records that these rights were exercised by the Chapter against the will and reluctance of third parties, it is not proven that it was not of that nature.

[*Latin ed. p. 43*]

The Roman Rota has ruled that an Archpriest may exercise certain rights, either by the express permission of the Archpriest, as is the case with certain parochial duties, or tacitly. Therefore, it must be concluded that the actual and complete care belongs to the Archpriest, exclusively and independently of the Chapter. III. 31. From these points, it clearly follows that the Archpriest should be considered a true and absolute parish priest, as Piton, *Disputationes de Ecclesia*, states, n. 1, and that the parish should be represented exclusively by the Archpriest, as argued by Pichler, *Liber I, Decretorum*, Title XXVIII, § 3, n. 15; and this is entirely evident. IV. 32. Regarding the governance of the Cathedral Church, it should be noted, as De Luca, *De Jurisdictione*, states; and as Cardinal Albitius, n. 104, observes, that it is not a contradiction for two heads to exist in one Church, albeit under different respects, as the Rota considered in the decisions of Montis Regalis, Jurisdictiones 69 and 121, Part 1, recent. It must be distinguished what these respects are, as the Rota ruled before Guaxardo, Melevitan, *Parochialis*, on February 19, 1680, nos. 32-33, between ecclesiastical functions that pertain to the exercise of care and the administration of the Sacraments, which are usually performed by parish priests, and other functions that, by law and custom, must be exercised in cathedral churches by dignitaries and canons in the choir and collegially. It must be distinguished between capitular and parochial functions; and while the governance of the cathedral church pertains to the Chapter with regard to the former, it pertains to the Archpriest with regard to the latter, for the Archpriest is, in this case, the true and absolute parish priest of the Cathedral Parish of Salutiarum. V. Regarding the right of the Archpriest to reside in a house adjacent to the Cathedral Church, and to adapt it for habitation at his own expense and independently of the Chapter, it should be noted, on the one hand, that this house does not belong to the Chapter, since it is, as it were, one with the Church, and should serve ecclesiastical matters for the worship of God; on the other hand, that parish priests should reside within the boundaries of the parish, in the parochial house, for the purpose of personal service, and that the parochial house which the Archpriest now occupies, due to its lack of proximity, and indeed its distance from the Cathedral Church, is very

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inconvenient and unsuitable for the care of souls and parochial service.

[*Latin ed. p. 44*]

44 Acta Apostolicae Sedis. - Official Commentary. Wherefore, at least from the standpoint of equity, the Fathers judged that the Archpriest should be granted the use of a house adjacent to the Cathedral Church, so that he might adapt it for habitation at his own expense, and independently of the Chapter, yet under the authority of the Ordinary, and with provision made for any damages that the Chapter might incur as a result. Therefore, having duly and carefully considered these matters, We, the undersigned Auditors sitting for the Tribunal in Tournon, invoking the name of Christ, and with God alone before our eyes, respond to the proposed questions as follows: To question 1: Negatively to the first part, affirmatively to the second part; To question 2: Affirmatively; To question 3: Affirmatively; To question 4: Affirmatively to the first part, concerning chapter functions; affirmatively to the second part, concerning parochial functions; To question 5: Affirmatively, at least from the standpoint of equity, yet under the authority of the Ordinary, and with provision made for any damages that the Chapter might incur. Thus We decide, declare, and pronounce, and We also decree that the expenses be borne by the parties involved. Thus We pronounce, commanding the Ordinaries of the places and the ministers of the Tribunals to whom this pertains, to order the execution of this Our definitive judgment, and against those who resist, to proceed according to the sacred Canons, and especially chapter 3, session 25, concerning the reforms of the Council of Trent, employing the executive and coercive means that shall prove most effective and appropriate for the circumstances. Rome, 9 September 1911. Aloysius Sincero, Presiding. Joseph Mori. Frederick Cattani. Sac. Tani, Notary of the Sacred Rota. N.B. Against this judgment, the Chapter appealed. Aloysius Sincero, Presiding.

[*Latin ed. p. 45*]

Secretariat of State. 45. LETTER FROM THE SECRETARIAT OF STATE. TO THE MOST REVEREND ALOISIUS ERNEST DUBOIS, ARCHBISHOP OF BITURG, CONCERNING THE NECESSITY OF RETURNING TO SCHOLASTIC PHILOSOPHY.

My Lord,

The Holy Father, Pope Pius X, received with particular satisfaction the proposal that Your Eminence has asked me to submit to him, concerning the necessity of a return to Scholastic Philosophy, especially within the clergy.

You rightly point out, My Lord, that at the foundation of the sacred sciences, there must necessarily be a Scholastic Philosophy, both in its principles and in its methods, a philosophy founded on the belief in the power of reason and in the absolute nature of truth.

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The Holy See has recalled this on many occasions and in solemn circumstances. The Church has never condemned the methods by which the natural sciences have been constituted and have achieved such wonderful developments. What She rejects are certain principles of modern philosophy, which are as contrary to right reason as they are to revealed truth.

The Holy Father commends your generous efforts and congratulates you on finding, amidst the many cares of the pastoral ministry, the time to dispel equivocations and confusions that trouble souls.

I gladly seize this opportunity to renew to Your Eminence, My Lord, the assurances of my entire devotion in Our Lord.

December 13, 1911.

R. CARD. MERRY DEL VAL.

[*Latin ed. p. 46*]

46 Acta Apostolicae Sedis. - Official Commentary. DIARY OF THE ROMAN CURIA. SACRED CONGREGATION OF RITES. PREPARATORY CONGREGATION. On December 19, 1911, before the Most Reverend and Venerable Cardinal Gotti, the Preparatory Congregation of the Sacred Rites was held, in which the Reverend Prelates, Officials, and Theological Consultors discussed and gave their vote concerning the miracles of the Venerable Servant of God, Sister Anne of St. Bartholomew, a Professed Nun of the Order of Discalced Carmelites.

SECRETARY OF STATE. APPOINTMENTS. The Holy Father, through notes from the Secretary of State, deigned to appoint:

December 16, 1911. — Reverend Father Giovanni Battista Rosa, Substitute of the Sacred Congregation Consistorial.

December 21. — The Most Reverend Cardinals Giovanni Battista Lugari and Guglielmo Van Rossum, among the members of the Pontifical Commission for Biblical Studies.

December 23. — Monsignor Carlo Perosi, Consultor of the Sacred Congregation Consistorial.

January 3, 1912. — The Most Reverend Cardinal Diomede Falconio, Protector of the Church and Chapter of Troia.

January 5. — The Most Reverend Cardinal Basilio Pompilj, Protector of the Institute of the Sisters of Our Lady of Compassion of Marseille.

January 9. — The Most Reverend Cardinal Basilio Pompilj, among the Most Eminent Cardinals composing the Supreme Tribunal of the Apostolic Signatura.

January 10. — The Illustrious and Reverend Monsignor Tommaso Boggiani, titular Archbishop of Edessa, as Apostolic Delegate to Mexico.

January 13. — The Most Reverend Cardinal Pietro Gasparri, Protector of

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the "Alliance des Maisons d'Éducation Chrétienne" of Dax.

The Holy Father, through a note and a Brief from the Secretary of State, deigned to appoint:

Auxiliary Bishop to the Holy See:

January 5, 1912. — Monsignor Alfonso Andreoli, transferred from the Bishopric of Montefeltro to the united Churches of Recanati and Loreto.

[*Latin ed. p. 47*]

Diary of the Roman Curia.

Protonotaries Apostolic, participating in the same manner: December 12, 1911. – Monsignor Theodoro Morel, of the Archdiocese of Lyons. December 18. – The Reverend Patrick Phelan, of the Archdiocese of Melbourne in Australia.

Domestic Prelates of His Holiness: December 9, 1911. – The Reverend Stanislao Carrillo, Parish Priest and Vicarious Forane in the diocese of Mèri da (Venezuela). December 13. – The Reverend Canon Michele Marin, Assistant Priest and Archpriest of the Metropolitan Church of Chambéry. December 16. – The Reverend Canon O. Giovanni Gardey, Honorary General Vicar of Paris. December 19. – The Reverend Professor Ferdinando Pellegrini, Assistant in the Secretariat for Briefs to Princes. January 3, 1912. – The Reverend Francesco Saverio Musi, Parish Priest in Naples. January 4. – The Reverend Domenico Cantatore, Canon and Cantor of the Cathedral of Cerignola. January 5. – The Reverend Francesco Signore, formerly Archpriest of Monteroni in the diocese of Lech.

Apostolic Missionary: December 19, 1911. – The Reverend Father Giovanni Vicedomini, O.F.M., of the province of Naples.

HONORS

His Holiness, with a letter and a Brief from the Secretariat of State, has deigned to bestow the following honors:

The Order of Saint Gregory the Great, with plaque, civil class: December 29, 1911. – To the Baron Felice Uberto Röder de Diersburg, of the Archdiocese of Freiburg im Breisgau. January 3, 1912. – To the Signor Filippo Heineken, President of the "Norddeutscher Lloyd" Navigation Company of Bremen. January 5. – To the Signor Giuseppe Etrich, of the diocese of Königgratz.

The Plaque of the Order of Saint Gregory the Great: December 13, 1911. – To the Signor Giulio Rostand, of Paris.

The Order of Saint Gregory the Great, civil class: December 13, 1911. – To the Signor Avv. Cav. Giorgio Féragus, Secretary of the Opera of Saint Francis de Sales in Paris. December 16. – To the Signor Emanuele Barone Ringhoffer, of Prague. – To the Signor Enrico de Mattoni, of Gieshübel near

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Karlsbad.

[*Latin ed. p. 48*]

48 Acta Apostolicae Sedis. - Official Commentary. December 20th. — To the Most Reverend Doctor Enrico Heidìmair, Counselor of the Imperial and Royal Ministry of Cults and Public Instruction, in Vienne. January 3rd, 1912. — To the Most Noble Count Clemente de Westphalen, of the diocese of Paderborn. The Order of St. Sylvester, conferred: January 3rd, 1912. — To the Most Reverend Giuseppe Anniser, of the diocese of Freiburg im Breisgau, Head of the office of the "Norddeutscher Lloyd" Navigation Company in Roma. The Order of St. Gregory the Great, civil class, conferred: December 13th, 1911. — To the Most Reverend Marcello Lecoq, of Paris. December 16th. — To the Most Reverend Doctor Manuel Dias de Aquino e Castro, Federal Civil Magistrate of Brazil. January 2nd, 1912. — To the Most Reverend Giovanni Kazazzian, of the diocese of Diarbekir. January 3rd. — To the Most Reverend Paolo Hopfner, of the archdiocese of Vienne. The Order of St. Sylvester, conferred: December 13th, 1911. — To the Most Reverend Mario Riggi, Notary Secretary and Archivist of the Apostolic Chancery. December 14th. — To the Most Reverend Ignazio Massaruti, formerly a Computist of the Holy Congregation Consistorial. The Holy Father, with notes from the Secretariat of State, deigned to appoint: Honorary Secret Chamberlains: January 9th, 1912. — Monsignor Oreste Gurini, of the diocese of Recanati. — Monsignor Giuseppe Sorbellini, of the diocese of Loreto. January 13th. — Monsignor Francesco Saverio Montz, of the archdiocese of Colonia. Chamberlain of the Sword: January 8th, 1912. — The following were appointed Honorary Colonel: Orazio Walpole, of the diocese of Portsmouth. NECROLOGY: December 25th, 1911. — Monsignor Edoardo Pulciano, Archbishop of Genoa. January 2nd, 1912. — Monsignor Giuseppe Lang, Titular Bishop of Paralaide, Apostolic Vicar of the Coast of Benin (Africa). January 8th. — Monsignor Dario Mattei-Gentili, formerly Archbishop of Perugia. January. — Monsignor Francesco Bonne, Archbishop of Tokio.

[*Latin ed. p. 49*]

Year IV. - Vol. IV. January 31, 1912. No. 2. *ACTA* OFFICIAL COMMENTARY OF THE PAPAL ACTS. PIUS PP. X. APOSTOLIC LETTER. I. ERECTION OF A PIOUS UNION FOR FIRST COMMUNION OF CHILDREN AT ST. CLAUDIUS IN ROME, WITH THE FACULTY OF AGGREGATION THROUGHOUT THE ENTIRE WORLD. PIUS PP. X. For the perpetual memory of this matter. — Holding, as We do by divine right, the Sublime Chair of St. Peter on earth, and moved by the singular devotion with which We are drawn to the Sacrament of love, there is nothing more ancient than that children, embarking on the perilous journey of life, should approach the Eucharistic table with a pure heart, and that, in due time, before the

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stains of the world obscure the mirror of innocence, they should be fortified with the grace of this great mystery. With this provident mind, We have issued a decree concerning the age at which children should be admitted to their first Holy Communion, which begins with the words "With singular care," and We have learned with great joy that, in this venerable city, at St. Claudius, a pious Union has been canonically established by Our beloved Son, the Cardinal Vicar General in spiritual matters, which bears the title of the Union for the First Communion of Children. This Union aims to promote, for the benefit of the people, the knowledge and implementation of this decree, and to instruct the children according to the aforementioned decree, so that they may be properly instructed and prepared to approach the Holy Synaxis for the first time, and that, during their childhood in Angelorum, they may frequently partake of the Bread of Angels. Now, when the present General Procurator of the Congregation of the Most Holy Sacrament urges Us with fervent prayers to deign to elevate this pious Union to the Primary grade for the entire Catholic world; We, readily and gladly favoring the endeavors of this fruitful Society, so that it may increase more and more...

[*Latin ed. p. 50*]

Acts of the Apostolic See. - Official Commentary. That this pious endeavor may be received with favor and may contribute to the good and benefit of the Catholic name, and that it may flourish ever more, with God's help, we incline our will to approve it. Therefore, by Our authority, We establish and institute, in this esteemed city, the pious Union from the First Communion of Children, canonically erected in honor of Saint Claude, as a Primary Union for the entire Catholic world, in perpetuity, and We grant it all privileges and prerogatives that rightfully belong to Primary Unions. Furthermore, We hereby grant, by Our Apostolic authority, to the Moderator and Officials, present and future, of the aforementioned pious Union, established by Us as a Primary Union, that they may, observing the form of the Constitution of Pope Clement VIII, may, and other Apostolic Constitutions and ordinances issued above, canonically incorporate all other pious Unions of the same title and institution, whether already established or to be established in the future, or even individual faithful throughout the world, and they may lawfully communicate to them all the indulgences granted to this Primary Union by the Apostolic See, which may be shared with others. We decree that these present Letters shall always remain firm, valid, and effective, and shall produce and obtain their full and complete effects, fully benefiting those to whom they pertain, or may pertain, and that they shall be duly judged and defined to be invalid and null, if anything should be attempted concerning these matters, by anyone, with any authority, knowingly or unknowingly. Notwithstanding any contrary provisions. Given in Rome, at St. Peter's, under the Fisherman's Ring,

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on the 4th day of January, 1912, in the ninth year of Our Pontificate. R. CARD. MERRY DEL VAL, Prefect of the Sacred Congregation of the Holy Office. CONCERNING THE TITLE OF BASILICA MINOR FOR THE ANCIENTEST PAROCHIAL CHURCH DEDICATED TO GOD IN HONOR OF SAINT JOSEPH, THE SPOUSE OF THE BLESSED VIRGIN, IN THE CITY OF BONAERENSIS. PIUS PP. X. For the perpetual memory of the matter. - The most outstanding churches of the Catholic world, whether distinguished by their size, grandeur, and artistic monuments, or by the relics of Saints and the ancient piety of the faithful, following the footsteps of Our Predecessor Roman Pontiffs, We are accustomed to adorn with special titles and privileges. Indeed, it is clearly established that the...

[*Latin ed. p. 51*]

From the Acts of Pope Pius X, 51: The most beautiful temple, dedicated in honor of the Most Holy Patriarch Joseph, the Spouse of the Virgin Mother, in the city of Buenos Aires, ought to be rightly considered among the finest sacred buildings, by which the Archdiocese of Buenos Aires is ennobled; for the temple itself shines with its immense structure and with the conspicuous works of all kinds of art. Therefore, when the Venerable Brother Marian Anthony Espinosa, Archbishop of Buenos Aires, informs Us, and also the clergy who diligently perform divine duties in that parish, and all the faithful who, moved by a fervent devotion to the Immaculate Virgin's most pure Spouse, frequently attend the same sacred building, that it would be most pleasing and welcome if We were to bestow upon that temple a special distinction and a title of particular honor; We believe that We should readily accede to these wishes. Wherefore, by Our Apostolic Authority, in the presence of all, We elevate the parish church dedicated to the Patriarch St. Joseph, in the city of Buenos Aires, to the dignity of a Minor Basilica, and We grant it all the privileges that rightfully belong to the Minor Basilicas of this Holy City. We decree that these present Letters of Ours shall always remain firm, valid, and efficacious, and shall fully and completely obtain, and shall be able to obtain, their full effect for those to whom they pertain, or may pertain in the future; and that they shall be rightly judged and defined, and that anything attempted by anyone, with any authority, knowingly or unknowingly, concerning these matters, shall be declared void and of no effect. Notwithstanding any contrary provisions. Given in Rome, at St. Peter's, under the Fisherman's Ring, on the fifteenth day of January, in the year 1912, in the ninth year of Our Pontificate. R. CARD. MERRY DEL VAL, Secretary of State.

LETTER.

To the Reverend Father Joseph Noval, a Dominican, Rector of the Pontifical University of Manila, named after St. Thomas, on the occasion of the third centenary of the founding of that University.

Beloved son, greetings and the Apostolic Blessing.

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We have gladly learned that the University of Manila, an ancient and noble seat of learning, is preparing to celebrate the third centenary of its founding. This was brought to Our attention by Our Apostolic Delegate in the Philippine Islands, who also added that We were pleased to learn that...

[*Latin ed. p. 52*]

Acts of the Apostolic See. - Official Commentary. The solemnities are to be arranged so that external splendor and the fruits of learning are equal, and although you were appointed Prefect of this University only a short time ago, you have nonetheless so admirably served it that it merits the praise of being a distinguished home of Christian wisdom, and your acceptance brings not inconsiderable increases in its dignity.

"Indeed, We, your father, strive for these very increases, and, having been called to share in your joy, we readily grant our blessings, recognizing that our Society will be pleasing to you, and that the Academy, celebrating, will receive stronger incentives to pursue its excellent endeavors with even greater fruitfulness. This, as you well know, was the concern of the Romans: Our Predecessor Popes, and even the Catholic Kings of Spain, bestowed upon your illustrious Athenaeum so many benefits and privileges, as befits you, and which you hold dear in your hearts. But it must also be remembered that the prudence of those who receive benefits must correspond to the expectations placed upon them. Indeed, the Institute of Manila has always flourished with the integrity and elegance of its teaching, so that it has spread its influence far and wide, proving to be a fruitful and salutary force for religion and for learning. And in truth, when recalling the past, one frequently encounters devout and learned men, whom this venerable seat of learning either cultivated as students, or fostered as teachers, and who joined it as partners in glorious endeavors. Among these, there are none lacking who have been elevated to higher and more important positions through their merits, nor are there those who have been heralds of the Christian law, who have striven to bring about a wonderful light of Christ, and at the same time, to promote civil culture and gentle manners, to those who, still ignorant of the light of the Gospel, dwell in the regions of China and Lapland, where the Catholic faith has been confirmed not once, but repeatedly, with bloody testimony. And among laymen, you will scarcely find anyone from the Philippines who is outstanding in learning, grace, or authority, who did not, in his youth, celebrate the University of Manila. Therefore, it is right that you, citizens all, should remember this auspicious event with devotion. But especially, the Dominican brethren should take the lead, since it is from them, following the supreme will, that the illustrious brother Michael de Bonavides, Archbishop of Manila, founded and continuously developed this Lyceum, to such an extent that it rightly stands among the most esteemed of Catholic institutions.

In this commemoration, we earnestly desire that you first and foremost

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keep before you that which should be held in the highest regard by all: the maternal providence of the Catholic Church, under whose auspices the Institute of Manila has been open for three centuries, from which so much of human knowledge has flowed, enriching your nation."

[*Latin ed. p. 53*]

The Holy Congregation of Cardinals. May God grant that the splendor of these praised institutions may increase ever more, through the fruit of more refined doctrine and stricter discipline; it is our firm desire that the youth, who there represent the hope of the Church and the State, may be so educated that they may perpetually sustain and safeguard this expectation. To this end, we impart, with a willing heart, the Apostolic Blessing to you, beloved son, to your Religious Societies, whose studies shine forth so that they may increasingly strengthen the opinion of this Institute, and to all others who contribute to the preparation of secular ceremonies, and indeed to the entire University. Given in Rome, at Saint Peter's, on the sixteenth day of October, in the ninth year of Our Pontificate.

PIUS PP. X.

PROVISIONS FOR CHURCHES. By successive decrees of the Holy Congregation of Cardinals, the Most Holy Pope Pius X has provided for the following churches, namely:

January 3, 1912. — To the titular episcopal church of Thebanae, he appointed Vincentius Pisani, already Bishop of Anglonensem and Turonensis.

January 4, 1912. — To the cathedral churches of Melphiensis and Rapollensi, he appointed Albertus Costa, of the diocese of Burgi S. Domnini, there a vicarius generalis and canon of the cathedral church.

January 9, 1912. — To the titular archiepiscopal church of Edessenae, he appointed Thomas Pium Boggiani, formerly Bishop of Adriensem.

— To the titular archiepiscopal church of Anazarbensi, he appointed Claudius Iosephus Gonzalves Ponce de Leâo, formerly Archbishop of Portalegrensem in Brasilia.

January 12, 1912. — To the metropolitan church of Senonensi, he appointed Ioannes Victor Aemilius Chesnelong, formerly Bishop of Valentinensem.

January 15, 1912. — To the titular episcopal church of Therm ensi, he appointed Iosephus Métreau, of the city of Burdigalensis, and there archipresbyter of the church of Saint Michael Archangel, whom he appointed as an Auxiliary to Renatus Franciscus Renou, Archbishop of Turonensis.

[*Latin ed. p. 54*]

Acts of the Apostolic See. - Official Commentary 54. January 19, 1912. —

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To the Cathedral Church of Richmond, the Reverend Dionysius O'Connell, formerly titular Bishop of the Church of Sebastene. — To the Cathedral Church of Cheyenne, the Reverend Aloysius Mae Govern, of the Diocese of Omaha, and there, rector of the cathedral church. — To the Cathedral Church of Guayaquil, the Reverend John Mary Riera, formerly Bishop of Porto Velho, and with permission to retain the administration of the same Diocese of Porto Velho, according to the decree of the Holy See. January 20, 1912. — To the titular episcopal see of Sebastene, the Reverend Adolphus David, of the Diocese of Montpellier, and there, vicar general, whom the Most Reverend and Right Reverend Lord Cardinal Francis Mary Anatolius de Rovérié de C abrieres, Bishop of Montpellier, has appointed as Auxiliary. January 23, 1912. — To the Cathedral Church of Pasto, the Reverend Leonidas Medina, canon of the Metropolitan Church of BogotÃ¡ in Colombia. A QUESTION REGARDING THE INTERPRETATION OF THOSE THINGS WHICH, BY A DECREE ISSUED ON JULY 2, 1911, ARE ESTABLISHED CONCERNING HOLY DAYS. To the Sacred Congregation of the Council, the following question has been proposed by several Bishops of Spain: "Since this year it will occur that the vigil of the 'Nativity of Our Lord Jesus Christ' coincides with Sunday, which always remains 'excluded from the law of fasting and abstinence,' some moral theologians interpret the provisions of the Decree 'Concerning Holy Days,' stating and publishing in periodicals that on December 23rd, that is, on Saturday, the obligation of simple fasting remains in force because of the sacred time of Advent, but not the obligation of abstinence from meat, as was formerly the practice on the vigil or eve of the same Nativity of the Lord. Therefore, it is asked that it be explicitly declared whether this interpretation can be maintained." The Sacred Congregation of the Council decided that the following should be answered: Negatively. Given at Rome, from the Secretariat of the Sacred Congregation of the Council, on December 15, 1911. C. CARD. GENNARI, Prefect. L. © S. O. Giorgi, Secretary.

[*Latin ed. p. 55*]

Sacred Congregation of the Propagation of the Faith. 55 SACRED CONGREGATION OF THE PROPAGATION OF THE FAITH. I. DECREE CONCERNING THE DIVISION OF THE APOSTOLIC PREFECTURE OF WELLENS. In order that the preaching of the divine name may be more abundant in the Apostolic Prefecture of Wellens, the Most Reverend Fathers of this Sacred Congregation for the Propagation of the Faith, having held plenary assemblies on the eleventh day of the current month, decreed that the aforementioned territory, extending twenty-six and a half degrees of longitude east (26° 30′ East of Greenwich), be divided into two parts. The first, entrusted to the care of the Regular Canons of the Abbey of Tongerloo of the Order of Prémontré, was considered to be named "Western Wellens"; the second, to be called "Eastern Wellens,"

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was to be erected into a separate and independent Apostolic Prefecture, to be entrusted to the Brothers of the Dominican Order of the Belgian Province. The opinion of the Most Reverend Fathers, as reported by the undersigned Secretary of the aforementioned Sacred Congregation to His Holiness, Our Most Holy Father Pius, in an audience on the same day, was approved in its entirety and deemed valid by His Holiness, and the present decree concerning this matter was ordered to be drawn up. Given at Rome, from the offices of the Sacred Congregation of the Propagation of the Faith, on the eighteenth day of December, in the year 1911. Fr. H. M. CARD. GOTTI, Prefect. L. £ß S. C. Laurenti, Secretary. II. NOMINATION OF THE BISHOP By Apostolic Brief, he was nominated: December 13, 1911. — Reverend Father Francis Aguirre, of the Order of Preachers, titular Bishop of Botrys and Apostolic Vicar of Fokiens in China.

[*Latin ed. p. 56*]

56 Acta Apostolicae Sedis. - Official Commentary. III. APPOINTMENTS OF APOSTOLIC VICARS. By decree of the Holy Congregation for the Propagation of the Faith, the following were appointed: January 16, 1912. — Reverend Father Peter Maria Kernivinen, from the Seminary of Lyons for the Missions of Africa, Apostolic Vicar of Korogo, in the Ivory Coast. — Reverend Father Reginald Van Schoote, of the Order of Preachers, Apostolic Vicar of Uellé Orientale, in the Belgian Congo. DECREE: On the feast day of Saint John the Apostle, January 22, 1912. The Holy Congregation of Cardinals of the Holy Roman Church, by the Most Holy Pope Pius X, and the Holy Apostolic See, having considered in the Vatican Apostolic Palace on January 22, 1912, the works of dubious doctrine, condemned and condemns them, prohibits them, and orders that the following works be included in the Index of Prohibited Books: L. DUCHESNE, Histoire ancienne de l'Église. Paris. ABBÉ DOLONNE, Le Clergé contemporain et le Célibat. Paris, without date. LETTERS TO HIS HOLINESS POPE PIUS X. By a Modernist. Chicago 1910. THE PRIEST. A Tale of Modernism in New England. By the author of Letters to H. H. Pope Pius X. Boston 1911. ADVENIAT REGNUM TUUM, 1. Letture e Preghiere cristiane. - 2. Rituale del Cristiano. - 3. L'anno cristiano. Rome 1904-5. VENANCIO GONZALEZ Y SANZ, La bancarrota del Protestantismo; estudio historico-sociológico-critico. Madrid 1910. L. CHOUILLY, Carnet du petit Citoyen. Résumés d'instruction morale et civique. - Cours moyen et supérieur. Verdun 1910. TOMMASO GALLARATI SCOTTI, Storia dell'amore sacro e dell'amore profano. Milan 1911.

[*Latin ed. p. 57*]

The Holy Congregation of Rites. 57 Therefore, no one, of whatever rank and condition, should dare to publish, or, having published, to read or retain the aforementioned works, in any place and in any

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language, under the penalties indicated in the Index of Prohibited Books. ZENNER-WIESMANN, W. KOCH, and O. WECKER, AUG. HUMBERT, OTTOCARUS PROHASZKA, and the author (P. A. S.) of the work entitled "Catechismo di storia sacra, decretis S. Congregationis," published on May 8th and June 5th, 1911, have commendably submitted themselves. Having reported these matters to His Most Holy Lord Pope Pius X through me, the undersigned Secretary, His Holiness approved the decree and ordered it to be promulgated. In witness whereof, etc. Given in Rome, on January 24th, 1912. F. CARD. DELLA VOLPE, Prefect. L. 83 S. Thomas Esser, O. P., Secretary. The HOLY CONGREGATION OF RITES for the City and the World. Since, due to the reduction of feasts, following the Motu Proprio concerning the Days of Feasts and the Decrees of the Sacred Rites Congregation published on July 24th and 28th of the year 1911, and also considering the Apostolic Constitution "Divino afflatu," it is necessary to adapt certain special rubrics of the Breviary and Missal to the new regulations, so that confusion may not arise; the Sacred Congregation of Rites, maintaining firm those decrees contained in the Temporary Prescriptions No. IV, added at the end of the Rubrics, according to the aforementioned Constitution, concerning the General Rubrics; has judged that the following should be inserted in the new editions of the Breviary and Missal to be printed, provided that it pleases His Most Holy Lord.

[*Latin ed. p. 58*]

Acts of the Apostolic See. - Official Commentary. CHANGES TO BE MADE IN THE ROMAN BREVIARY AND MISSAL, IN ACCORDANCE WITH THE MOTU PROPRIO CONCERNING FESTIVAL DAYS, DECREED BY THE HOLY ROMAN CONGREGATION ON JULY 24 AND 28, 1911, AND THE APOSTOLIC CONSTITUTION "DIVINO AFFLATU."

IN THE BREVIARY.

At the beginning of the Breviary.

After the Bulls of Pius V, Clement VIII, and Urban VIII, the Bull "Divino afflatu" of Our Most Holy Father Pope Pius X shall be inserted.

Four Decrees of the Holy Congregation of Rites shall be removed.

In the Calendar of the Breviary.

January 13. - The Octave of the Epiphany, major double.

March 19. - SOLEMN COMMEMORATION OF SAINT JOSEPH, Spouse of the Blessed Virgin Mary, major double of the first class.

At the end of April. - Third Sunday after Easter. - SOLEMNITY OF SAINT JOSEPH, Spouse of the Blessed Virgin Mary, and Patron of the Universal Church, major double of the first class, with its Octave. Common of the Sunday.

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At the end of May. - Thursday after the Octave of the Most Holy Body and Blood of Our Lord Jesus Christ. - SACRED HEART OF JESUS, major double of the first class.

June 23.

June 24 - 25 - 26 - SAINT WILLIAM, abbot, major double.

June 27 - 28 - SS. JOHN AND PAUL, martyrs, major double.

June 28 - SAINT LEO II, pope, double of the second class. Common of Vigiliae.

June 29 - SS. PETER AND PAUL, apostles, major double of the first class, with its Octave.

June 30 - COMMEMORATION OF SAINT PETER, apostle, major double.

Saturday before June 4. - Vigilia.

June 4. - NATIVITY OF SAINT JOHN THE BAPTIST, major double of the first class, with its Octave.

July 1. - Of the Octave of the Apostles, double of the second class.

July 6. - The Octave of SS. PETER AND PAUL, apostles, major double.

August 6. - TRANSFIGURATION OF OUR LORD JESUS CHRIST, double of the second class. Common of SS. Xystus II, Pope, Felicissimus, and Agapitus, martyrs.

August 22. - The Octave of the Assumption of the Blessed Virgin Mary, major double. Common of SS. Timothy and his companions.

After August 8, the following shall be suppressed: "Sunday within the Octave of the Nativity, etc."

September 12. - MOST HOLY NAME OF MARY, major double.

[*Latin ed. p. 59*]

The Holy Congregation of Rites. November 59, 2: Commemoration of All Faithful Departed Souls. Double. November 8: Octave of All Saints, Double Major. Commemoration of the Holy Four Crowned Martyrs. November 9: Dedication of the Archbasilica of the Most Holy Savior, Double of the Second Class. Commemoration of Saint Theodore the Martyr. December 15: Octave of the Immaculate Conception of the Blessed Virgin Mary, Double Major.

After the General Rubrics of the Breviary, the following New Rubrics are to be inserted, with the Temporary Prescriptions suppressed. Then, after suppressing all that is now found in the Breviary up to the Psalter, the following are to be inserted: Three Tables, EXCERPTED FROM THE GENERAL RUBRICS OF THE BREVIARY AND FROM THE RUBRICS REFORMED ACCORDING TO THE CONSTITUTION «DIVINO AFFLATU». In the first of these tables, one will immediately see what is to be celebrated, if several feasts occur on the same day permanently; in the second, if they

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occur accidentally in a similar manner; and in the third, how the preceding Office coincides in the Vespers with the Office of the following day. In each of the three tables, the following order will be found: First, find the number placed in that square in which the feasts, about which there is a question, occur to each other; then read the rule described next to that number, and from it it will be clearly seen what is to be done. For example: The square in which the feasts occur to each other, in the first table, is Double of the First Class and Simple, and it is that which is found first in the same line in which Double of the First Class is written, in which the number 1 is indicated, because if, from that square, both the Double of the First Class and the Simple were to proceed directly, they would occur to each other in it. The rule placed next to that number 1 is as follows: 1. The Office of the first, nothing of the second. That is, the Office is to be performed of the Double of the First Class, and nothing of the Simple: because when it is said in these rules of the first, or preceding, it is understood of the feast placed in the upper part of the table, as the Double mentioned above; when it is said of the second, or following, of the feast placed in the lower part under the numbers, as the Simple mentioned above. In some of the squares, the letter O is placed, because no feast occurs there.

[*Latin ed. p. 60*]

60 Acta Apostolicae Sedis. - Official Commentary. There may be a conjunction or concurrence between feasts that occur simultaneously on the same day. However, it is necessary to know which are the Major Sundays and Feasts, and which are Duplex of the first and second class, and the greater feasts throughout the year, as well as other Duplex or Semiduplex Offices, which, whether Primary or Secondary, are to be observed.

1. Major Sundays are divided into two classes:

* DOMINICAE PRIMAE CLASSIS (Major Sundays of the First Class): First Sunday of Advent, First Sunday of Lent, Passion Sunday, Palm Sunday, Easter Sunday, Low Sunday, Pentecost Sunday, Feast of the Holy Trinity.

* DOMINICAE SECUNDAE CLASSIS (Major Sundays of the Second Class): Second Sunday of Advent, Third Sunday of Advent, Fourth Sunday of Advent, Septuagesima Sunday, Sexagesima Sunday, Quinquagesima Sunday, Second Sunday of Lent, Third Sunday of Lent, Fourth Sunday of Lent.

2. Major Feasts are divided into two classes:

* FERIAE PRIVILEGIATAE (Privileged Feasts): Ash Wednesday, Second Day of the Holy Week, Third Day of the Holy Week, Fourth Day of the Holy Week.

* FERIAE NON PRIVILEGIATAE (Non-Privileged Feasts): Feast of Advent, Feast of Lent, Feast of the Four Seasons, Second Sunday of Rogation.

3. Duplex of the First Class (Primary): Nativity of the Lord, Epiphany

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of the Lord, Pascha of the Resurrection with the three preceding days and two following days, Ascension of the Lord, Pentecost with the two following days, Feast of the Most Holy Trinity, Solemn Commemoration of the Most Holy Body and Blood of Our Lord Jesus Christ, Immaculate Conception of the Blessed Virgin Mary, Annunciation of the Blessed Virgin Mary, Assumption of the Blessed Virgin Mary, Nativity of Saint John the Baptist, Solemn Commemoration of Saint Joseph, Spouse of the Blessed Virgin Mary, Confessor, Solemnity of Saint Joseph, Spouse of the Blessed Virgin Mary, and the Patronage of the Universal Church, Confessor.

[*Latin ed. p. 61*]

The Holy Congregation of Rites. 61: The Feast of the Holy Apostles Peter and Paul, The Feast of All Saints, The Dedication of the parish church, and its Anniversary, The Anniversary of the Dedication of the Cathedral Church, The Title of the parish church, The Title of the Cathedral church, The Principal Patron of the town, or city, or diocese, or province, or nation, The Founder and Saint of the Order or Congregation. DOUBLE OF THE FIRST CLASS, SECONDARY. The Feast of the Most Sacred Heart of Jesus. DOUBLES OF THE SECOND CLASS, PRIMARY. The Circumcision of the Lord, The Transfiguration of the Lord, The Dedication of the Archbasilica of the Most Holy Savior, The Purification of the Blessed Virgin Mary, The Visitation of the Blessed Virgin Mary, The Nativity of the Blessed Virgin Mary, The Dedication of Saint Michael the Archangel, The Nativity of the Eleven Apostles, The Feast of Saint Mark the Evangelist, The Feast of Saint Luke the Evangelist, The Feast of Saint Stephen the Protomartyr, The Feast of the Holy Innocents, The Feast of Saint Lawrence the Martyr, The Feast of Saint Joachim, Father of the Blessed Virgin Mary, The Feast of Saint Anne, Mother of the Blessed Virgin Mary. DOUBLES OF THE SECOND CLASS, SECONDARY. The Feast of the Holy Name of Jesus, The Feast of the Discovery of the Holy Cross, The Feast of the Precious Blood of Our Lord Jesus Christ, The Feast of the Seven Sorrows of the Blessed Virgin Mary, in the month of September, The Solemnity of the Holy Rosary of the Blessed Virgin Mary. DOUBLES OF THE GREATER CLASS, PRIMARY. The Octave of any Double of the first class, Primary, The Dedication of the Basilicas of the Holy Apostles Peter and Paul, The Dedication of Saint Mary of the Snows.

[*Latin ed. p. 62*]

62 Acta Apostolicae Sedis. - Official Commentary. Presentation of the Blessed Virgin Mary, Feast of the Holy Angels, Decapitation of Saint John the Baptist, Feast of Saint Barnabas the Apostle, Feast of Saint Benedict the Abbot, Feast of Saint Dominic the Confessor, Feast of Saint Francis of Assisi the Confessor, Feast of Saint Francis Xavier the Confessor, Feasts of less important Patrons. MAJOR AND SECONDARY DOUBLES. The Octave of

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any Double of the first class of the Secondary rank, Exaltation of the Holy Cross, Apparition of the Blessed Virgin Mary Immaculate, Feast of the Seven Sorrows of the Blessed Virgin Mary during Lent, Commemoration of the Blessed Virgin Mary of Mount Carmel, Feast of the Holy Name of the Blessed Virgin Mary, Feast of the Blessed Virgin of Mercy, Apparition of Saint Michael the Archangel, Chair of Saint Peter the Apostle in Rome, Chair of Saint Peter the Apostle in Antioch, Feast of the same Saint in Chains, Conversion of Saint Paul the Apostle, Commemoration of Saint Paul the Apostle, Feast of Saint John the Apostle before the Latin Gate. OTHER DOUBLES OR SEMI-DOUBLES OF THE PRIMARY RANK. The Octave of any Double of the second class of the Primary rank, The Nativity, or quasi-Nativity, of any Saint. OTHER DOUBLES OR SEMI-DOUBLES OF THE SECONDARY RANK. The Octave of any Double of the second class of the Secondary rank, The Impression of the Holy Stigmata of Saint Francis the Confessor, The Discovery of Saint Stephen the Protomartyr, Feasts, or of the Lord, or of the Blessed Virgin Mary under some particular title, or of Saints, other than their Nativity day, such as the Discovery, Translation, Patronage, and similar feasts.

[*Latin ed. p. 63*]

S. Congregation of Rites.

Octave:

Days of the major octave: 1 3 3 1 3 3 5 5 5 1 1 6 6 5 8. If it should occur on the same day, perpetually. 0 3 3 3 1 3 6 5 5 5 3 3 6 6 8 6 3 0. 3 3 0 3 0 0 5 5 5 3 7 0 0 4 2 4 4. 3 3 0 3 0 0 5 5 4 7 4 0 0 4 2 4 4 3 3 3 3 3 6 5 5 8 3 6 6 6 6 6 0 0 3 3 3 3 3 6 5 8 6 6 6 6 6 6 6 0 0 3 3 6 3 3 6 8 6 6 6 6 6 6 6 6 0 0 3 3 0 7 4 4 4 4 4 4 4 4. 0 2 2 4 4 8 4 4 4 4 4 4 4 4 4 4 4 4 2 0 0 3 2 4 0 0 4 4 4 4 4 0 0 4 2 0 0 1. Office of 1, nothing of 2. Of 4. Office of 1. 1, of 2. 0 C B U < öBuO e i •s C O B •(1.¡SSi' iL eo'p; 's. eo s B . eo es* a £P* X s!s* B[t » s* •g» d B (a «S. C & >ot? -i o e o O O OO S B* Q *O >sO 2-Si eo. P Si Ç0 o s* OO P B e o tP 1 P B 03 O p P sr< H & &i B B o P 1=" c <3 as B" X C P s. B B Sr Ç6 P Si occurrat eodem C die accidentaliter.05 £. s* Cb ^ 2. Office of 2, nothing of 1. 3 . Office of 1, 4 . Office of of 2, commemoration commemoration * J ce p' x "o" >•* 5. Office of 1, reestablishment of 2. < Ö 7. Office of nobler, commemorate reason of another. P 2 S" P p' B "S. •S" • !» S' reestablishment o' g 55 g. B n o |r- o 3 » p p S' o S" 'S p 3 x ts Ö *S< ce o 3 !->• p ?" p 3 ' B & o' 1 p œ B eo ?" B 3 *E 1 x B p 5' 3 6 i 1 1 1 1 6 5 8 eo 2 Classis o p 'S. 'S. 3 ? Classis Ö Ö eo Duplex g 5' "EL 5" 3 Duplex 1 "S. ce' - nobiliori, ¥ Ö p 6. Office of 2, reestablishment of 1. 8. Office of of another. co Ö 6 1 6 6 3 3 3 3 3 6 8 6 3 6 6 0 3 6 1 0 3 6 Days of the major octave: . . . 0 -3 0 3 4 0 3 3 3 3 7 0 4 2 4 4 4 Days of the minor octave: . . . 0 3 0 3 4 0 3 3 4 7 4 0 4 2 4 4 4 0 3 4 3 4 4 3 3 7 3 4 4 4 2 4 4 4 0 3 4 3 4 4 3 7 4 4 4 4 4 2 4 4 , 4 0 3 4 3 4 4 7 4 4 4 4 4 4 2 4 4 4 0 3 0 7 4 0 4 4 4 4 4 4 2 2 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4, 4 2 4 4 4 0 2 2 4 4 0 4 4 4 4 4 4," •:.>•., ...2 0 0 0 * v :V ee. a o 3 Ö o Duplex minus Semiduplex Days 1. infra Octavam Office of

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1, nothing of 2. 2. Office of 2, nothing of 1. 3 . Office of 1, 4 . Office of of 2, commemoration commemoration * C DC »O -ï * «S6 ″Si G §ttF 2 2ccee″ S* 2eC oD S ce′ ST o eo P P* p* C B X 5* X O ″Si B. S′ P* eX e h<i D tP? £§; e B «S. B P < O p o* p ″S. 5′ o* < ¡ O P P ts P Sj ″ » m O tf O Sí X B* eo S fcS e o p fi. eo_ p p to′ O C B O v S* poo ee eo* p″ eeeo′ oo_ eo e e X B o X -s p P * o s O <p ″r, » n B B O eo o P S r * c Ç O B et eo′ B P < P o ^″u eo eo eo″ B •Q eTE Sp ce eoL p B Cß* P? et £ c» Ö ö eo Ö c ö P P S* 3 «2. Ö x Ö o 3 S′ g s′ Q sr 5. Office of 1, translation of 2. 6. Office of 2, translation of 1. 7. Office of nobler, commemorate reason of another. 5- translation Q 1 2. o P g. ?′ ″d 3 o 3 3 S.′ o S″ S″? 1. Office of nobler, of another. * : 5″ 2. < o to′ ¡3. p <£ P

[*Latin ed. p. 64*]

64 Acta Apostolicae Sedis. - Official Commentary. When do they occur?

1. Everything concerning the following, nothing concerning the preceding.

2. Everything concerning the preceding, nothing concerning the following.

3. Everything concerning the following, a commemoration of the preceding.

4. Everything concerning the preceding, a commemoration of the following.

5. Everything concerning nothing, a commemoration of everything; in equal measure, a chapter concerning the following, a commemoration of the preceding.

6. (The symbols are omitted for clarity.)

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61. (The symbols are omitted for clarity.)
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NOTES IN THE PRECEDING TABLES.

1. When in the rules of any Table, an Office of a Higher Rank or Everything of a Higher Rank is found, it must be understood that, of the two occurring or concurrent Feasts or Offices, that which, either by reason of its Primary quality, or by reason of its personal Dignity, or its external Solemnity, or its Property (this, however, is not considered in the case of concurrence), should be preferred to the other.

2. Feasts of the Second Class, which are universal to the Church, are preferred to any Feast, both in occurrence and in concurrence. Also, Feasts of Dedication and Titulus proper to the Church, and the Patron of the place, yield only to the aforementioned Feasts of the Second Class, universal to the Church.

3. Octaves are preferred to each other according to the same rule as the Feasts themselves to which they pertain.

4. On the day of the Octave of the Solemn Commemoration of the Body of Christ, nothing is done for any Feast, even of the Second Class, unless it is an occurring Feast of the holy Apostles Peter and Paul, with the commemoration of the day of the Octave; which, however, is omitted at the Second Vespers, due to the concurrence of the Feast of the Most Sacred Heart of Jesus.

[*Latin ed. p. 65*]

65. Sacred Congregation of Rites. 5. The feasts of the Lord and their octaves of any rite, whether accidental or perpetual, and in cases of concurrence, are preferred to lesser Sundays. 6. Regarding the privileged octaves of the Nativity, Epiphany, and Corpus Christi, a commemoration is always made in every Office, even the Double of the First Class. 7. When a universal feast of the Church, which is celebrated with an octave, is to be transferred to the following day due to a perpetual impediment, as prescribed by the rubrics, the days of the octave are not likewise transferred, but are observed on their proper day throughout the Church. The same applies to the octave of a feast of a diocese or order, which is to be transferred to another day in a particular church. The same rule is to be observed for the octave of any feast, which, as mentioned above, must be transferred due to an accidental impediment. 8. When an octave, which does not pertain to a feast of the Lord, falls on a Sunday, the Office is for the Sunday with a commemoration of the octave; however, if a Double Major or Minor, or a Semi-Double

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feast, has been celebrated on the preceding Saturday, a commemoration of that feast is made in the Vespers, followed by a commemoration of the octave, through the Antiphon and Verse from the First Vespers of the feast; but if the Office for the seventh day within the octave has been celebrated on the same Saturday, a commemoration of that seventh day is made in the Vespers through the Antiphon and Verse from the Second Vespers of the feast, and nothing is said of the octave. 9. When two feasts, or two octaves, in honor of the same person, occur accidentally, the Office is for the feast, or the octave, of greater rank, without a commemoration of the other, unless the mysteries of the Lord are different. Similarly, if within an octave, which is not privileged, a feast of the same person occurs, either accidentally or perpetually, the Office is for the feast without a commemoration of the octave, provided that, as mentioned above, the mysteries of the Lord are not different; for example, if within the octave of the Dedication of a Church, a particular feast of the Lord Jesus Christ, a Double Major, occurs, in this case, the Office is for the feast with a commemoration of the octave. 10. On the contrary, if a feast of the same person, and of the same rite, but of a different mystery, as mentioned above, occurs on a non-privileged octave, in a case of accidental concurrence, the Office is for the feast with a commemoration of the octave; but in a case of perpetual concurrence, the Office is for the octave, and the feast is transferred to another day according to the rubrics. 11. If two Offices of the same person occur simultaneously (unless the mysteries of the Lord are different, as mentioned above), and they are of different rites or ranks, the entire Office is for the one of greater rank, without a commemoration of the other; but if they are of equal rite and rank, the entire Office is for the one that precedes, without a commemoration of the one that follows. However, on the octave of Corpus Christi, the Second Vespers are for the octave itself, without a commemoration of the following feast of the Most Sacred Heart of Jesus. 12. If the principal or secondary patron of a place, or the titular saint of a church, or even a saint whose relics are kept in a church, *ACTA*, vol. IV, n. 2. - 31-1-912. 5

[*Latin ed. p. 66*]

66. Acta Apostolicae Sedis. - Official Commentary. It is to be noted that if a feast day is listed in the Calendar along with other saints with whom it is naturally connected, that is, when a necessary bond of consanguinity or affinity exists between them, it should not be separated from those saints. However, if it is connected to them only by chance, that is, if they happened to have died on the same day, then it is separated from those saints, and a feast is celebrated for it according to the proper rite. If a feast is celebrated for a principal patron or titular saint, and the associated saints are listed in the Calendar under a simple rite, then nothing further is done for the associated saints; but if a feast is celebrated for a secondary patron or for a saint whose relics are highly venerated, then a commemoration is made for

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the associated saints. If the saints are listed in the Calendar under a double or semi-double rite, then the associated saints are celebrated on another day, according to the rubrics, under the rite by which they are listed in the Calendar.

13. Regarding octaves, which are not found in the Roman Breviary, nothing further is added from the fourth day of the week until the Sunday in Albis, from the Vigil of Pentecost until the feast of the Most Holy Trinity, and from December 17th until the Epiphany, always inclusively.

14. When the Nativity of St. John the Baptist, which occurs on June 28th, falls on a Saturday, the Vigil of that same saint, as well as the feasts of the holy Apostles Peter and Paul, occur on the same day; in this case, the Office is celebrated for the first, without a commemoration for the others.

15. Regarding the feasts of Advent and Lent, if the Office is not celebrated for them, a commemoration is always made for them at the Vespers and Lauds of any feast: for the feasts of the Four Seasons and the two Rogation days, and for the Vigils, only at Lauds. However, if any Vigil occurs in Advent, Lent, the Four Seasons, or in the second class of feasts, no commemoration is made for it, either at Lauds. The entire Psalter is to be omitted, and the New Psalter is to be substituted. The Ordinary and the Proper of the Time from the Breviary are to be used. After the feast of the Holy Innocents, the following are to be placed, with the current rubrics suppressed: If the feast of the Nativity of the Lord, of St. Stephen, of St. John the Evangelist, and of the Holy Innocents falls on a Sunday, nothing is done for the Sunday on that day, but on the day following the feast of St. Thomas the Martyr, it is done for it, as indicated below. If the feast of St. Thomas falls on a Sunday, then at the second Vespers of the Holy Innocents, the commemoration of the Sunday is made (Ant. Dum medium, f. Verbum caro. Oratio, as below), then of St. Thomas and of the three Octaves. On that very day, the Office is celebrated for the Sunday, according to the semi-double rite, as indicated below, and at Lauds, the commemoration of St. Thomas and of the four Octaves is made. At the second Vespers, the Office is celebrated for the Nativity, according to the semi-double rite, from the chapter of the Sunday with the commemoration of the following day, within the Octave of the Nativity (Ant. Hodie. f. Notum. Oratio, Concede), of St. Thomas and of the three Octaves. On December 30th...

[*Latin ed. p. 67*]

The Holy Congregation of Rites decrees: On the day following the Octave of the Nativity, the Office is to be celebrated with a semi-double rite, as indicated below, with the commemoration of three Octaves; and the Vespers are to be said with a double rite, concerning the Nativity, from the chapter of Saint Sylvester, with the commemoration of four Octaves. If the 30th of December falls on a Sunday, the Vespers of the Nativity are to be said on Saturday with a semi-double rite, from the chapter of Sunday, with

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the commemoration of Saint Thomas and four Octaves. On that Sunday, the Office is to be celebrated of that day with a semi-double rite, and at Lauds, the commemoration of four Octaves is to be made. In the Second Vespers, the Office of the Nativity is to be celebrated with a semi-double rite, from the chapter of Sunday, with the commemoration of the following feast of Saint Sylvester and four Octaves. Finally, if Sunday falls on the feast of Saint Sylvester, at the Second Vespers of Saint Thomas, the commemoration is to be made of the following day within the Octave of the Nativity and of other Octaves. On the 30th of December, the Office of the day following the Octave of the Nativity is to be celebrated, as indicated below, and at the Second Vespers, the Office of the Nativity is to be celebrated with a semi-double rite, from the chapter of Sunday; then the commemoration of the day following the Octave of the Nativity, of Saint Sylvester, and of other Octaves is to be made. On the 31st of December, the Office of Sunday is to be celebrated with a semi-double rite, as indicated below: at Lauds, the commemoration of Saint Sylvester and of four Octaves is to be made; and at the Second Vespers, the Office of the Circumcision of the Lord is to be said, with the commemoration of the Sunday only. Then follows: SUNDAY WITHIN THE OCTAVE OF THE NATIVITY. In the First Vespers: The chapter "Brothers, for how long, etc." - The hymn "Jesus, Redeemer, as above." - The verse "The Word was made flesh, etc." - At the Magnificat: "During the time of our mortality, etc." - The prayer "Almighty God." - Afterwards, the commemoration of the Octaves is to be made. Then all is to be done as in the Breviary, up to the Second Vespers, inclusive. Then follows: ON THE 29TH OF DECEMBER. In the feast of Saint Thomas, Bishop and Martyr, a Double rite. The prayer "God, for whose sake, etc." In the First Nocturn: The readings from Miletus. In the Second Nocturn: Thomas, etc. (as in the Breviary). In the Third Nocturn: [Text missing in the provided excerpt]. At Lauds: The chapter "Blessed is the man, etc." - The hymn: "Invincible Martyr, alone." - The verse "Just as the palm, etc." - At the Benedictus: "He who hates his soul, etc." - The prayer "God, for whose sake, as above." Afterwards, the commemoration of the Octaves is to be made. At the Hours: Chapters and [unintelligible characters] are to be taken from the Commemoration of a Martyr. At the Vespers: The antiphon and Psalms of the Nativity, the chapter, as above at Lauds. - The hymn: "God of your soldiers." - The verse "Just as the palm, etc."

[*Latin ed. p. 68*]

68 Acta Apostolicae Sedis. - Official Commentary. The "Magnificat" antiphon: "He who wishes to come..." - The prayer: "O God, for whose sake..." Then, the Office for the following day within the Octave of the Nativity is celebrated: The antiphon: "Today..." followed by "It is known..." The prayer: "Grant, we beseech Thee..." Afterwards, the Office for the other Octaves is celebrated. ON DECEMBER 30TH. The Sixth Day within the Octave of

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the Nativity. A semi-double Office. Everything is said as on the Feast of the Nativity, except for the readings, which are taken from the Sunday and the Third Nocturn, as follows: The reading of the holy Gospel, etc. (as in the Breviary). For Lauds, the commemoration of the other Octaves is observed. For Vespers: The antiphon and Psalm for the Nativity. - The chapter: "Behold the Priest..." - The hymn: "This Confessor." - Followed by: "He loved." - For the "Magnificat" antiphon: "The Priest and the Pontiff." - The prayer: "Grant, we beseech Thee." - Then, the Office for the preceding day within the Octave of the Nativity is celebrated. The antiphon: "Today." Followed by: "It is known." The prayer: "Grant." Afterwards, the Office for the other Octaves is celebrated. ON DECEMBER 31ST. On the Feast of Saint Sylvester I, Pope and Confessor. A double Office. The prayer: "Grant, we beseech Thee." - In the First Nocturn (as in the Breviary). - In the Second Nocturn (as in the Breviary). - In the Third Nocturn: A Homily on the Gospel. For the Office of the Confessor, not the Pontifical Office, the readings are taken from the Office of the Confessor. For the Pontifical Office, the readings are taken from the Office of the Pontiff. For Lauds: The chapter: "Behold a great priest..." - The hymn: "Jesus, Redeemer of all." - Followed by: "Just is the Lord..." - For the antiphon: "Benedict," "Go, good servant..." - The prayer: "Grant, we beseech Thee..." - Afterwards, the Office of the Octaves is celebrated. For the Hours: The chapters and readings are taken from the Pontifical Office. Vespers are said for the Circumcision of the Lord, without the commemoration of Saint Sylvester and the Octaves. After the Feast of the Circumcision, the following rubric is placed: If a Sunday occurs on the day of the Circumcision, or on the following days, up to the Epiphany inclusive, nothing is done for it. THE SUNDAY WITHIN THE OCTAVE OF THE EPIPHANY. In the Second Vespers, in place of the antiphon "Tribus miraculis," for the commemoration of the Octave, the antiphon "Magi videntes" is placed. On the day of the Octave of the Epiphany. A major double Office. For Lauds of the Sunday of Sexagesima, in place of the fifth antiphon with the tympanum, the following is substituted: "In excelsis laudate Deum." For Lauds of the third Sunday of Quinquagesima, in place of the third antiphon "Deus misereatur," the following is substituted: "Adhaesit anima mea post te, Deus meus."

[*Latin ed. p. 69*]

Sacred Congregation of Rites. 69 Regarding the Office of Prime, IV. During Lent, in place of the third antiphon "Benedicat nos Deus," the following shall be substituted: "Me suscepit* dextera tua, Domine." For the Office of Prime on the fourth day of the Greater Week, in place of the third antiphon "Ipsi vero," the following shall be substituted: "But thou, O Lord, knowest all their counsel against me unto death: not their iniquity, and let not their sin be blotted out from thy sight: let them be overthrown before thy eyes, in the time of thy wrath do thou destroy them." Also, in place of the

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fifth antiphon "Alliga Domine," the following shall be substituted: "Fac, Domine, * Judicium injuriam patientibus: et vias peccatorum disperde." For the Office of Prime on the fifth day, during the Lord's Supper, on the sixth day, during the Preparation, and on the Holy Sabbath, the Psalms of the current day shall be recited, with the "Ego dixi" being retained for the Sabbath. At the end of the fifth day, during the Lord's Supper, the rubric "Ad Completorium etc." shall be corrected as follows: "Ad Completorium non dicitur... it begins with the Psalm 'Cum invocarem': and the Psalms of the Sunday are recited, as in the Psalter." After the Psalms, etc., for the Office of Compline on the Holy Sabbath, the words of the rubric: "Deinde sine Antiphona dicuntur Psalmi consueti," shall be corrected as follows: "Deinde sine Antiphona dicuntur Psalmi de Dominica." After the Office of Prime on the Sunday of the Resurrection, the rubric "Ad Primam etc." shall be corrected as follows: "Ad Primam, Tertiam, Sextam... the Psalms of the Sunday are recited; for Prime, however, as on feasts, after which, etc." For the Office of Compline on the Sunday of the Resurrection, the rubric "Dicto f. etc." shall be corrected as follows: "Dicto f., the Psalms of the Sunday are recited... after which, etc." SUNDAY WITHIN THE *OCTAVE* OF EASTER. Double Major. For the Office of Prime, omitting the antiphons and Psalms up to the chapter, the following shall be said: "All as in the Psalter." WEEKDAY FOLLOWING THE SUNDAY WITHIN THE *OCTAVE* OF EASTER. For the Office of Prime, the rubric beginning with "Postea fit commemoratio," up to "f. et Oratio, ut supra inclusive," shall be omitted. SUNDAY WITHIN THE *OCTAVE* OF THE ASCENSION. At the end, add: "If the Office is celebrated on the following day, the antiphons and the [final responsory] are taken from the Vespers of the feast."

[*Latin ed. p. 70*]

70 Acta Apostolicae Sedis. - Official Commentary. During the Octave of the Ascension. A Double Major. On the Feast of the Most Holy Trinity, add: A Double of the First Class. At the end of the Fourth Feria after Pentecost, the following rubrics are to be corrected: The Feast of the Body and Blood of Our Lord Jesus Christ is celebrated. Within the Octave, no feast is observed, unless it is a Double of the First Class; the remaining feasts are either transferred after the Octave, or are commemorated according to the rubrics, in the Vespers and Lauds, without the IX. reading. However, on the day of the Octave itself, only the Feast of the Holy Apostles Peter and Paul is observed, if it occurs, together with the commemoration of the same day of the Octave.

SOLEMN COMMEMORATION OF THE MOST HOLY BODY AND BLOOD OF OUR LORD JESUS CHRIST. A Double of the First Class with Octave.

THE SUNDAY WITHIN THE OCTAVE OF THE BODY OF CHRIST. In the Second Vespers, for the commemoration of the Octave, the Antiphon

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and the collect from the First Vespers of the Feast are to be used. At the end of the Fourth Feria within the Octave of the Body of Christ, the following rubric is to be corrected: For the Vespers, all as in the First Vespers of the Feast. If another feast occurs on the following day, it is either transferred or commemorated according to the rubrics, unless it is the Feast of the Holy Apostles Peter and Paul, which is celebrated, together with the commemoration of the Octave of the Body of Christ.

THE FIFTH FERIAL DAY OF THE OCTAVE OF THE BODY OF CHRIST. A Double Major. At the end, the following rubric is to be added: The Feast of the Most Sacred Heart of Jesus is celebrated on the following day, of which no commemoration is made in the Second Vespers of the day of the Octave of the Body of Christ. However, if the Feast of the Holy Apostles Peter and Paul is celebrated on that day, together with the commemoration of the Octave of the Body of Christ, then in the Second Vespers of the Holy Apostles, only the commemoration of the following Feast of the Most Sacred Heart of Jesus is made. In the proper of the Saints in the Breviary.

ON DECEMBER 14TH. At the Vespers, the rubric beginning: "If it is the day of the Octave..." is to be suppressed.

ON DECEMBER 15TH. In the Octave of the Immaculate Conception, B. M. V., a Double Major.

[*Latin ed. p. 71*]

Sacred Congregation of Rites. DAY OF SORROW. COMMEMORATION, 19TH OF MARCH, YEAR 71. SAINT JOSEPH, HUSBAND OF THE BLESSED VIRGIN. Double of the First Class. At the end of the month of April: DOMINICA III. AFTER EASTER. SOLEMNITIES. SAINT JOSEPH, HUSBAND OF THE BLESSED VIRGIN, and Patron of the Universal Church, Confessor. Double of the First Class, with Octave. At the end of the Office, the rubric "If this feast is celebrated, etc." is suppressed. FERIA II. WITHIN THE OCTAVE OF THE SOLEMNITY OF SAINT JOSEPH. All as in a Feast, except for the following: In the First Nocturn, the Readings from Scripture are as usual. In the Second Nocturn, the reading "Of the sermon of Saint Bernard of Siena, etc." (As in the Roman Octave for the Octave of the Patronage of Saint Joseph). And so in the following Feriae, III, IV, V, VI, and on Saturday, the Readings for Saturday are used, which are found in the Octave for that day. The Readings for the Third Nocturn of Saturday are divided as follows: Reading VII. "Today is the birthday..." the son protests. Reading VIII. "More honorable..." and he himself is. Reading IX. "For he indeed..." shall be accounted. Similarly, in the Readings IV and VII of the same Saturday, the following corrections are made: In Reading IV, for the words: "father of him," both are to be understood as "in mind, not in flesh": "father of him," just as the husband of his mother, both are to be understood as "in mind, not in flesh." In Reading VII, for the words: "in this, the Father, who was believed in," the following is to be placed: "in

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this, the Father, who was not believed in," is insinuated. After Saturday within the Octave of the Solemnity of Saint Joseph, the following rubric is placed: "Vespers are said for the following Sunday, and in them, there is a commemoration of the preceding day, the 7th day within the Octave, with the Ant. and f. of the Second Vespers of the Feast; if, however, the Office for some Feast of the Ninth Reading has been said on Saturday, a commemoration of the day of the Octave is made with the Ant. and f. of the First Vespers of the Feast. On the following day, Vespers are said for the Fourth Sunday after Easter, unless a Feast of the Lord, or a Double of the First or Second Class, occurs, with a commemoration of the day of the Octave in the Lauds and Second Vespers. ON THE FEAST OF THE HOLY HEART OF JESUS. The first rubric is corrected as follows: "Vespers are said for the Octave of the Most Holy Body of Christ, without any commemoration. If, however, on the preceding Friday..."

[*Latin ed. p. 72*]

Acts of the Apostolic See. - Official Commentary. If the Feast of the Holy Apostles Peter and Paul occurs, in the Second Vespers of the Holy Apostles, a commemoration of the Feast of the Most Sacred Heart of Jesus is made: Antiphon. "Ignem veni." Prayer. "Grant, we beseech Thee." But if the Office, etc. On the same Feast, the two Nocturn readings, which are now inscribed, are: "The Homily of Saint Bernard, Abbot," are inscribed: "The Homily of Saint Bonaventure, Bishop." After June 21st, the following are inserted: SATURDAY BEFORE DOM. IV. OF JUNE. On the Vigil of Saint John the Baptist. Here are inserted those things which were placed on June 23rd, with the last rubric removed: "If the following day, etc.," in its place is placed the following: "If this Vigil occurs on the same day as the anticipated Vigil of the Holy Apostles Peter and Paul, the entire Office is of the Vigil of Saint John, without commemoration of the other Vigil, except in the Mass." SUNDAY IV. OF JUNE. THE NATIVITY OF SAINT JOHN THE BAPTIST. Double of the First Class, with Octave. Here is inserted the Office, as it is found in the Breviary on June 24th. After the First Vespers, the following rubric is added: "And a commemoration of the occurring Sunday is made." Then, the Ninth Reading is suppressed, and this rubric is placed: "Ninth Reading, from the homily of the occurring Sunday." At the end of Lauds, add: "And a commemoration of the occurring Sunday is made." In the Second Vespers, at the end, suppress: "And a commemoration of the following day is made," and place: "And a commemoration of the occurring Sunday is made." THE FIRST DAY WITHIN THE OCTAVE OF SAINT JOHN THE BAPTIST. All as in the Feast, except for the following: In the First Nocturn: Readings from the Scripture occurring. In the Second Nocturn: The Homily of Saint Augustine, Bishop. "Natale..." (as in the ancient Breviaries on June 25th). In the Third Nocturn: The Reading of the Holy Gospel, etc. From the Homily of Saint Ambrose, Bishop. "Johannes est..." (as in the Breviary on

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July 1st). THE SECOND DAY WITHIN THE OCTAVE OF SAINT JOHN THE BAPTIST. All as in the Feast, except for the following: In the First Nocturn: Readings from the Scripture occurring. In the Second Nocturn: The Homily of Saint Basil the Great. "Vox Domini..." (as in the Breviary on June 27th).

[*Latin ed. p. 73*]

Sacred Congregation of Rites. 73 In the Third Nocturn: Reading of the Holy Gospel, etc. Concerning the Homily of Saint Ambrose, Bishop. And Zachary... (as in the Breviary on June 27th). THIRD DAY WITHIN THE OCTAVE OF SAINT JOHN THE BAPTIST. All as in the Feast, except for the following: In the First Nocturn: Readings from Scripture appropriate to the day. In the Second Nocturn: A Sermon of Saint Maximus, Bishop. Concerning the Feast... (as in the Breviary on July 1st). In the Third Nocturn: Reading of the Holy Gospel according to Luke. Reading VII. (Chapter I.) The time had come for Elizabeth to give birth, and she gave birth to a son. And the neighbors and kinsfolk heard that the Lord had shown great mercy to her, and they rejoiced with her. And the rest. Homily of the Venerable Bede, Presbyter. (On the Nativity of Saint John). The nativity of the Lord's forerunner, as the most sacred reading of the Gospel reveals, shines with many wonders: for it was fitting that he, in whom no one has risen greater than the others born of women, should, from his very birth, surpass all other saints in the brilliance of virtues. The aged and long barren parents rejoice at the gift of this most noble offspring; and to the father himself, whom incredulity had rendered mute, the mouth and tongue are opened to proclaim the herald of new grace. Not only is the power to bless God restored, but the virtue of prophesying is also increased in him. Reading VIII. Therefore, rightly does the holy Church throughout the world, which celebrates so many victories of the blessed martyrs, by which they merited entrance into the kingdom of heaven, also accustom to celebrate only these two nativities, that of the Lord and that of John. And this custom should be believed to have arisen not without evangelical authority: but it should be more carefully kept in mind, because just as an angel appeared to the shepherds at the birth of the Lord, and said: "Behold, I bring you good news of great joy, which shall be to all the people: for this day is born in your city the Savior, who is Christ the Lord," so also an angel, foretelling the birth of John to Zachary, said: "And you shall have joy and exultation, and many shall rejoice at his birth. For he shall be great before the Lord." Reading IX. Therefore, the nativities of both are rightly celebrated with devotion, but that of Christ the Lord, as of the Savior of the world, is celebrated with even greater reverence.

[*Latin ed. p. 74*]

74 - Acts of the Apostolic See. - Official Commentary. Children of the

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Almighty God, as in the birth of justice itself, are made joyful to all people through the Gospel. And many are reminded of this, as in the forerunner of the Lord, in the excellent servant of God, in the rising and shining light. He preceded Him in spirit and power, baptizing the people of his flock with water, so that they might be prepared to receive Him when He appeared, and to learn that He was perfect. If any day within the Octave of the Nativity of St. John occurs with a day within the Octave of the Holy Apostles Peter and Paul, the Office is that of the first, with the commemoration of the other. On the day of the Octave of the Nativity of St. John the Baptist, the Office is that of Sunday, unless the Feast of the Lord occurs, or a Double of the First or Second Class with the commemoration of the day of the Octave. If the day of the Octave of the Nativity of St. John occurs with the Feast of the Holy Apostles Peter and Paul, nothing is done concerning it. All that is contained in the Breviary on the days of June 23rd and 26th is entirely suppressed. ON JUNE 25TH. The Rubric that begins: "In Lodi, the commemoration is made" is suppressed. In the last Rubric that begins: "Vesp. from the Capitulum," the words "and Oct. of St. John" are suppressed. ON JUNE 26TH. In the First Vespers, the Rubric "Then the Octave of St. John, etc." is suppressed. Before the Lauds, the words "and through the hours" are suppressed. At the end of the Lauds, the Rubric "Then the commemoration is made, etc." is suppressed. In the Second Vespers, the Rubric "Then the commemoration is made, etc." is suppressed. All that is contained in the Breviary on JUNE 27TH is entirely suppressed. The Rubric "If this feast..." is suppressed, and in its place is put the following: "If this Feast should occur on a Sunday, the Office is that of the Nativity of St. John the Baptist with the commemoration of Sunday, and nothing is done concerning St. Leo." On the preceding Saturday, the Office is that of the Vigil of the Nativity of St. John, and nothing is done concerning the anticipated Vigil of the Holy Apostles Peter and Paul, except in the Mass. After the Oration, the Rubric "And the commemoration is made, etc." is suppressed. In the Lauds, the Rubric "In Lodi, the commemoration is made, etc." is suppressed. ON JUNE 29TH. In the First Vespers, in the Rubric "And it is not done," the last words "nor of the Octave of St. John" are suppressed.

[*Latin ed. p. 75*]

The provided text does not contain any Scripture quotations that require correction according to the provided Douay-Rheims wording. Therefore, the text remains unchanged.

£. Congregationis Rituum. 75 In II. Vespers, in *Bubrica*: "Et non fit, etc." – ultima verba supprimuntur: "nec Octavae S. Joannis."

In penultima rubrica: "Deinde fit, etc." – supprimuntur verba: "Et non fit comm. Oct. S. Joannis, neque in Laud."

Ultima rubrica sic corrigatur: "Si Commemoratio S. Pauli alicubi alia die

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celebretur, totum Officium fit ut in propria Ecclesia."

DIE 30 JUNII. Ad Laudes supprimatur rubrica: "Deinde Octavae S. Joannis."

In II. Vespers, in rubrica: "Vesperae integrae etc." – supprimuntur ultima verba: "et Oct. S. Joannis ut in I. Vesp. Festi."

In principio Julii supprimatur rubrica: "Prima die etc."

In Festo Pretiosissimi Sanguinis supprimatur rubrica, quae incitpit: "Si hodie occurrat."

Post festum Pretiosissimi Sanguinis ponatur: "OCTAVAM SS. PETRI ET PAULI."

Hic inserantur omnia quae habentur in Breviario post festum Visitationis B. M. V.

DIE 1 JULII. Supprimantur omnino quae nunc habentur in Breviario, et eorum loco ponatur: "TERTIA DIE INFRA OCTAVAM SS. PETRI ET PAULI."

In I. Nocturno: Lectiones de Scriptura occurrente.

In II. Nocturno: Sermo S. Maximi Episcopi. "Non sine causa..." (ut in antiquis Breviariis die 5 Julii).

In III. Nocturno: Homilia in Evang. "Ecce nos reliquimus," de Comm. Apost. 1 loco.

DIE 6 JULII. Iii Octava Ss. Petri et Pauli. Duplex Majus.

DIE 5 AUGUSTI. Ultima rubrica sic corrigatur: "Vesp. de sequenti cum commem. praecedentis."

DIE 6 AUGUSTI. IN TRANSFIGURATIONIS D. N. I. C. Duplex II. classis.

In I. Vespers supprimatur rubrica: "Deinde Ss. Xysti II. Papae, Felicissimi et Agapiti Mm. etc."

[*Latin ed. p. 76*]

76. Acta Apostolicae Sedis. - Official Commentary. ON THE 22ND OF AUGUST. In the Octave of the Assumption of the Blessed Virgin Mary. A Double Major. Sunday within the Octave of the Nativity of the Blessed Virgin Mary. All that is contained in the Breviary is omitted. ON THE 11TH OF SEPTEMBER. At the end of this day, add: Vespers of the following Feast, without commemoration. Of the Octave of the Nativity of the Blessed Virgin Mary. ON THE 12TH OF SEPTEMBER. All that is contained in the Breviary is omitted, and the following is substituted: Of the Most Holy Name of the Blessed Virgin Mary. A Double Major. All as in the Feasts of the Blessed Virgin Mary throughout the year, except for the following: Here are inserted all that is contained in the Breviary on the Sunday within the Octave of the Nativity, but suppressed in the First Vespers. And the Commemoration of the occurring Sunday is made. At the end of the Sixth

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Reading, the words are omitted: "Sunday within the Octave of the Nativity of the Blessed Virgin Mary." After the Eighth Reading, add: "Reading IX. Blessed she who..." (as in the Decree of the Holy Roman Office of November 10, 1909). The two last Rubrics are omitted, and in their place is inserted the following: "In the Second Vespers, no commemoration is made for the following day within the Octave." ON THE 1ST OF NOVEMBER. The two last Rubrics, "Dictum etc.," and "Si prima dies etc.," are omitted. ON THE 2ND OF NOVEMBER. All that is contained in the Breviary is omitted, and in its place are inserted those things that are contained on this day in the Appendix of the new Psalter. ON THE 8TH OF NOVEMBER. In the Octave of All Saints. A Double Major. The last Rubric is corrected as follows: "Vespers of the following day, with the preceding Commemoration."

[*Latin ed. p. 77*]

Sacred Congregation of Rites. ON THE 9TH DAY OF NOVEMBER, YEAR 77. Double of the Second Class. In the Vespers, the heading "Deinde S. Theodori Mart." is to be omitted. IN THE DEDICATION OF THE ARCHBASSILICA OF THE MOST HOLY SAVIOR. In the Common of the Saints and the following parts of the Breviary. In the Common of a single Martyr, in the Third Nocturn, in the Eighth Lesson, in place of the word "Delectat," the following is to be substituted: "Delectet." In the Common of a single Martyr, after the fourth place, the Homily on the Gospel, "Nihil est opertum," is to be placed; in the third place, the Homily on the Gospel, "Nolite arbitrari, quae incipit: Quae ista divisio est?" as in the Roman Octave. In the Octave of the Dedication of a Church. Double Major. In the Office of the Blessed Virgin Mary, of the Fifth Order, on Saturday, in the Vespers, the heading "Post Orationem fiunt etc." is to be omitted, and the following is to be placed: "Post Orationem fit Suffragium, ut sequitur: De omnibus Sanctis." Antiphon: "Sancti omnes intercedant pro nobis ad Dominum," *f*. "Mirificavit Dominus Sanctos suos." *p*. "Et exaudivit eos clamantes ad se." Let us pray. Orison. "A cunctis nos, quaesumus, Domine, mentis et corporis defende periculis: et intercedente beato Joseph, cum beatis Apostolis tuis etc." During the Paschal Time, in place of the preceding Suffrage, the commemoration of the Cross is to be made, as in the Ordinary. If a simple feast occurs, a commemoration of it is to be made before the aforementioned Suffrage. For the Lauds, the words "Ad Laudes et per Horas" are to be omitted; instead, "Omnia ut in Festis B. M. V." are to be used, except for the following, in place of which is to be placed: "Ad Laudes Antiphonae cum Psalmis de Sabbato, ut in Psalterio: Capitulum et Hymnus, ut in Festis B. M. V. per annum." At the end of the Lauds, the heading "Deinde fiunt" is to be omitted, and the following is to be placed: "Deinde fit Suffragium, ut supra ad Vesperas." After the heading for the Paschal Time, the words "Non fiunt commemorationes etc." are to be omitted. Then, the title "Ad Vesperas," along with the two subsequent

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headings, are to be omitted.

[*Latin ed. p. 78*]

78 Acta Apostolicae Sedis. Official Commentary. In the Little Office of the Blessed Virgin Mary, the first rubric is to be omitted. – After the first antiphon in the Lauds, the following is said: "Ps. The Lord hath reigned, with the rest from the Sunday Office." In the Office for the Dead, the first rubric is to be omitted. For Lauds, the third Psalm, "Deus, Deus meus," is said, omitting the psalm "Deus, miserere." The fifth Psalm, "Laudate Dominum in sanctis ejus," etc., is said, omitting the other two. In the Gradual Psalms, the first rubric is to be suppressed. In the Seven Penitential Psalms, the rubrics are to be suppressed. The two Votive Offices for the year are to be entirely suppressed. IN THE MISSAL. At the beginning of the Missal, after the Bulls of Pius V, Clement VIII, and Urban VIII, the Bull "Divino afflatu" of the Most Holy Pope Pius X is to be inserted. The Calendar of the Missal is to be the same as the Calendar of the Breviary, with the addition, in each feast of the second class, whenever it occurs on a simple day, of the words: "only in private Masses." / After the General Rubrics, insert Titles X, XII, and XIII of the New Rubrics. In the Proper of the Time of the Missal, ON THE FEAST OF THE HOLY INNOCENTS: After the Mass, the following rubric is to be placed: "If the Feast of the Nativity of the Lord, of St. Stephen, of St. John the Evangelist, and of the Holy Innocents falls on a Sunday, nothing is done pertaining to the Sunday, but on the day following the Feast of St. Thomas the Apostle, the Mass of the Sunday is said, as follows." If the Feast of St. Thomas falls on a Sunday, the Mass is said of the Sunday, with the commemoration of St. Thomas and of the four Octaves. Similarly, if the Feast of St. Sylvester occurs on a Sunday, the Mass is said of the Sunday, with the commemoration of St. Sylvester and of the four Octaves. On December 30th, if it occurs on a Tuesday or on a Saturday, the Mass is said of the day within the Octave of the Nativity, as follows, with the commemoration of the other Octaves.

[*Latin ed. p. 79*]

Sunday, the Congregation of Tides. WITHIN THE OCTAVE of the 79th day after Christmas. As in the Missal, with the additions of the commemoration of the Nativity, of Saint Stephen, of Saint John, and of the Holy Innocents. ON THE FEAST DAY of Saint Thomas the Bishop and Martyr, December 29th. As in the Missal, with the commemorations removed, and with the following rubric added: "And the commemorations of the Nativity, of Saint Stephen, of Saint John, and of the Holy Innocents are added, as in the preceding Mass." At the end of the Mass, the rubrics which are now found in the Missal are to be omitted. ON DECEMBER 30TH. As in the Missal, with the rubric "If the Feast of Saint Sylvester..." removed. IN THE SOLEMN COMMEMORATION of the Most Holy Body and Blood of Our

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Lord Jesus Christ. At the end of the Mass, the first rubric is to be corrected as follows: "This same Mass is said within the Octave, and it is not said for any other feast, unless a feast of the Double class occurs, and then it is said with the commemoration of the Octave." On the day of the Octave, it is said only for the Feast of the Holy Apostles Peter and Paul, if it occurs, with the commemoration of the Octave. In the Proper of Saints of the Missal. ON MARCH 19TH, IN THE SOLEMN COMMEMORATION of Saint Joseph, Spouse of the Blessed Virgin Mary, Confessor. At the end of the month of April: The Third Sunday after Easter. IN THE SOLEMNITIES. Of Saint Joseph, Spouse of the Blessed Virgin Mary, and Patron of the Universal Church, Confessor. Before the Gospel, the following are added: In Votive Masses after Pentecost, Psalm 20: "O Lord, hear my prayer; and all the earth shall adore thee." (as found at the end of the Mass). In Votive Masses after the Seventieth Day, the Gradual is said as above after Pentecost, omitting "Alleluia" and the following, and the Tract is said. Psalm 3: "Blessed is the man that fears the Lord: who delights in his commandments." f. "His seed shall be mighty in the land: the generation of the upright shall be blessed." f. "Glory and riches are in his house: and the justice of his rule shall abide for ever and ever."

[*Latin ed. p. 80*]

80 Acta Apostolicae Sedis. - Commentarium Officiale. Supprimatur ultima rubrica "Si Festum etc." usque ad finem, et ponatur sequens: Intra Octavam dicitur Missa ut in Festo: post Orationem diei dicitur secunda Oratio "Concede nos," tertia Ecclesiae vel "Deus omnium fidelium." In die Octava dicitur Missa de Dominica IV. post Pascha, nisi occurrat Festum Domini, aut Duplex I. aut II. classis, cum commemoratione Octavae, ut in Festo. Post diem 21 Junii sequentia inserantur: SABBATO ANTE DOM. IV. JUNII. Hic inseratur Missa, quae habetur die 23 Junii, et in fine addatur haec rubrica: Si haec Vigilia occurrat eadem die cum Vigilia anticipata Ss. Apostolorum Petri et Pauli, dicitur Missa ut supra cum secunda oratione ex Missa Vigiliae Ss. Apostolorum et tertia de S. Maria; et in fine Missae dicitur Evangelium S. Joannis: "In principio." DOMINICA IN NATIVITATE S. IV. JUNII. JOANNIS BAPTISTAE. Hic ponatur Missa, quae habetur die 24 Junii. Post Orationem, et post Secretum addatur: "Et fit commemoratio Dominicae occurrentis." Post Evangelium addatur: "Dicitur Credo ratione Dominicae." Post Postcommunionem addatur: "Et fit commemoratio Dominicae occurrentis et legitur ejus Evangelium in fine Missae." Suppressa ultima rubrica, addatur: Intra Octavam dicitur Missa ut in Festo cum secunda Oratione "Concede," tertia Ecclesiae vel pro Papa; et non dicitur Credo, nisi in Ecclesia propria, vel nisi venerit infra Oct. Ss. Apostolorum Petri et Pauli. Si dies Octava venerit in Festo Ss. Apostolorum Petri et Pauli, nihil fit de Octava. Si autem occurrerit die 30 Junii, Missa dicitur de Dominica, cum commemoratione diei Octavae; deinde fit commemoratio tum

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S. Pauli Apostoli tum S. Petri Apostoli. Si vero occurrerit Dominica I. Julii, Missa dicitur de Pretiosissimo Sanguine Domini Nostri Jesu Christi vel de Visitatione Beatae Mariae Virginis, juxta Rubricas, cum commemoratione Dominicae et Octavae S. Joannis. Omnia quae habentur in Missali diebus 23 et 24 Junii supprimantur omnino. DIE 25 JUNII. Supprimatur rubrica et fit commemoratio Octavae, etc. DIE 26 JUNII. Supprimantur rubricae respicientes commemorationem Octavae S. Joannis.

[*Latin ed. p. 81*]

Sacred Congregation of Rites. 81 Before June 28th, the following rubric should be corrected: If the feast of St. Leo follows on a Sunday, the Mass is said for the feast of the Nativity of St. John the Baptist, with the proper observance of the Sunday, and nothing is done for St. Leo. On the preceding Saturday, the Mass is said for the Vigil of the Nativity of St. John, with the proper observance of the Vigil, and the third prayer for St. Mary, and at the end, the Gospel of St. John, "In the beginning," is read. ON JUNE 28TH. The rubrics pertaining to the Octave of St. John should be suppressed. At the end of the Mass for the Vigil of the Apostles, the following rubric should be added: If this Vigil falls on a Saturday and is therefore celebrated on the same day as the Vigil of the Nativity of St. John the Baptist, the Mass should be said for the second Vigil, with the proper observance of the Vigil of the Apostles, and the third prayer for St. Mary, and the Gospel of St. John, "In the beginning," at the end. ON JUNE 30TH. The rubrics pertaining to the Octave of St. John the Baptist should be suppressed. All that is now found in the Missal should be removed, and the following should be placed: ON THE 1ST, 3RD, AND 4TH DAYS OF JULY, JULY. Under the Octave of the Apostles St. Peter and St. Paul. Here should be placed the Mass that is celebrated on July 3rd. On July 3rd, the Mass that is now found in the Missal should be suppressed. ON AUGUST 6TH. After the prayer, the following rubric should be corrected: In private Masses, only the commemoration of the Saints MM. Xystus, Felicissimus, and Agapitus is observed. On Sunday within the Octave of the Nativity of the Blessed Virgin Mary, all that is found in the Missal should be suppressed. ON SEPTEMBER 12TH. On the feast of the Most Holy Name of the Blessed Virgin Mary, here should be placed the Mass that is celebrated on Sunday within the Octave of the Nativity, except for the rubrics pertaining to the commemoration of the Sunday. ON NOVEMBER 2ND. Retaining the first rubric, in place of the second and third, the following should be placed: If, however, on this day, November 2nd, a Double of the First Class or a Sunday occurs,

[*Latin ed. p. 82*]

Acts of the Apostolic See. - Official Commentary. 82. The commemoration of all the faithful departed, for the day immediately following, is likewise transferred, or postponed. ON NOVEMBER 9TH. The rubric concern-

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ing the feast of Saint Theodore is to be corrected as follows: For the feast of Saint Theodore, Martyr, only in private Masses. Votive Masses throughout the year are entirely suppressed. All of these matters, having been reported to His Most Holy Lord Pope Pius X by the undersigned Secretary, His Holiness deigned to approve and ratify them, and also ordered that a fascicle containing the adapted rubrics as mentioned above be added to the Missals and Breviaries already published, which are for sale among the printers. January 23, 1912. Fr. S. CARD. MARTINELLI, Prefect. £8 S. f. Petrus La Fontaine, Bishop of Charystien. Secretary. OF THE CITY OF ROME AND OTHERS. CONCERNING THE DOXOLOGY, OF THE FIRST, AND THE PROPER PREFACE IN THE CASE OF THE FEASTS OF THE BLESSED VIRGIN MARY, TO BE SIMPLIFIED. Since, according to the Apostolic Constitution "Divino afflatu" of His Most Holy Pope Pius X, dated November 1, 1911, the feast of the Blessed Virgin Mary, or the octave of the same, if they occur on a Sunday, ought to be simplified; the following questions were proposed to the Sacred Congregation of Rites: I. In the aforementioned case, ought the concluding hymns and verses of the Responsorial Psalm to be about the Blessed Virgin Mary herself? II. Which Preface should be recited in the Mass in this case? And the Sacred Congregation itself, after mature deliberation, and upon the report of the undersigned Secretary, decided that the following should be the answer:

[*Latin ed. p. 83*]

Section 83. Congregation of Rites. To I. Affirmative, unless a proper Temporal Preface is to be said, and except for the Sundays of Advent. To II. The Preface of the Trinity, unless a Preface of Time or of some Octave of the Lord is encountered, according to the new regulations, title X, number 4. And thus it was decreed on December 30, 1911. Rev. S. CARD. MARTINELLI, Prefect. L. ffi S. f Petrus La Fontaine, Bishop of Charysten, Secretary.

III. DECREE CONCERNING FEASTS OF THE HIGHER DOUBLE RITE WHICH ARE CELEBRATED WITH AN OCTAVE. Certain feasts, although few in number, of the Higher Double Rite, for a particular Church, in past times, were celebrated with an Octave. However, since the celebration of these Octaves is not at all in accordance with the most recent dispositions of the Holy See, the Sacred Congregation of Rites, after hearing the opinion of the Liturgical Commission, and after careful deliberation, has decided and decreed: Feasts of the Higher Double Rite cannot have an Octave; and if any such Octaves are found to have been granted, they are to be declared suppressed. And thus it was decreed on December 30, 1911. Rev. S. CARD. MARTINELLI, Prefect. L. ffi S. f Petrus La Fontaine, Bishop of Charysten, Secretary.

IV. DECREE CONCERNING THE FACULTY NOT TO BE GRANTED BY BISHOPS FOR THE PRINTING OF A NEW PSALTER. Since recently, some Ordinaries of certain places have asked the Sacred Congregation of

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Rites whether it is permissible for them to grant the faculty to the respective printers of the diocese to print "The Breviary Psalter of Rome, with the Ordinary of the Divine Office, according to the new order for the week established and published by the Most Holy Pope Pius PP. X"; the Sacred Congregation itself responded: "Let the Decree of November 15, 1911, as reported in the Vatican Typica Edition, be given."

[*Latin ed. p. 84*]

Acts of the Apostolic See. - Official Commentary. 84 The tenor of the Decree is as follows: "The Sacred Congregation for Rites has carefully reviewed and revised the Vatican edition of the Psalter, which is the official edition of the Divine Office, and, in accordance with recent changes in the rubrics, has arranged it most accurately according to the Apostolic Constitution 'Divino afflatu' of the Most Holy Pope Pius X. It declares this edition to be the standard; and it decrees that all new editions of the same Psalter must conform to this in all respects, and that they must not be printed except by the printers of this Sacred Congregation, and that the prescriptions to be observed must be transmitted by this Secretariat." And it commanded that this be observed, notwithstanding the Decree of May 17, 1911. January 15, 1912. L. s. ß s. f. Peter La Fontaine, Bishop of Charysten, Secretary. V. NOTICE. It has been deemed advisable by the Sacred Congregation for Rites to inform the Most Reverend Ordinaries of the places, and to request them to inform their subjects that no rescripts, answers to questions, concessions, declarations of any kind, privileges, commentaries bearing the name of the Holy Congregation, have any validity, unless, as is proper, they have been exclusively signed by the Eminent Cardinal Prefect of the Holy Congregation, together with the Secretary of the Holy Congregation, or his Substitute, or, in case of necessity, at least by the Eminent Prefect, or by the Secretary or his Substitute. Also, that there is nothing common between the Holy Congregation for Rites and any kind of ephemeris dealing with liturgical matters, since the Holy Congregation itself, whenever it is necessary to promulgate something, will take care to insert what it has decided in the official Commentary of the Acts of the Apostolic See, for transmission according to the Apostolic Constitution 'Promulgandi pontificias'. From the Secretariat of the Holy Congregation for Rites, January 28, 1912. f. Peter La Fontaine, Bishop of Charysten, Secretary.

[*Latin ed. p. 85*]

SACRED ROMAN ROTA, COLLEGIATE. (Melit.). ON THE MATTER OF: During the blessed reign of Pope Pius X, in the ninth year of his pontificate, on the 12th of August, 1911, the Most Reverend Fathers, Michael Lega, Dean, Anthony Perathoner, and Joseph Alberti, Assessors, sitting in the case of "Mele vi tana - Optionis," between Canon Michael Ciappara, represented by his lawful procurator, Vincent Sacconi, advocate, and

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Canon Alfred Mifsud, represented by his lawful procurators, Father Aloysius Lavitrano and Angel D'Alessandri, advocates, rendered the following final judgment.

Since the year 1624, the right of option has been in force in the Collegiate Church of Melitana, granted by Urban VIII through a Bull, which begins with the words "Cum sicut"; and confirmed by the same Pontiff through another Bull in the year 1638. The occasion for granting such a right was this: when the Bishop of Melitana observed that the endowments of his Collegiate Church were becoming increasingly diminished, he, after consulting with the Chapter, requested a remedy for this evil from the Pontist. The Pontiff, granting his prayers, through the aforementioned Bull, granted the right to choose more substantial endowments, and at the same time, established the following conditions: "Henceforth, for all future times, both those holding dignities, as well as canonries and benefices of the same Church, and those holding more substantial benefices, whenever such should become vacant, may freely and lawfully choose them, and those holding canonries and benefices may ascend to dignities, and likewise freely and lawfully choose them; by the tenor of the present apostolic authority, we grant and concede this. We decree that those who, having obtained such dignities and canonries and benefices, have not made any improvements in those same dignities and canonries and benefices, either with regard to their revenues, or with regard to the fabric, or in other ways, for their benefit and advantage, shall not enjoy or benefit from our prescriptions of option and concession and indulgence."

The canons of the Church of Melitana have always made use of this privilege, as is evident from the Acts of the Chapter of the same Church. However, controversies have arisen.

[*Latin ed. p. 86*]

86 Acta Apostolicae Sedis. - Official Commentary. Among those who expressed their desire [to be considered], some were excluded, either due to an incorrect interpretation of the Bull of Urban [VIII], or due to the nature of the newly established benefice, which seems to offer fewer advantages than those mentioned in the aforementioned Bull. Consequently, even in these recent times, a new and significant controversy arose concerning the vacant benefice of "S. Venera." It is best to summarize the events that occurred shortly before. In the year 1896, Canon Johann Ebeier requested to be appointed to the vacant benefice of "S. Venera," intending to transfer to it, arbitrarily, the title and office of Penitentiary. And the Penitentiary benefice, which had become vacant, was assigned by the Bishop of Melit to Canon Ciappara, without the consent of Canon Ebeier, who accepted it. In the year 1909, on February 3rd, Canon Ebeier passed away; consequently, the benefice of "S. Venera" again became vacant. Four Canons requested to be admitted to the process of selection: Grech, Formosa, Mifsud, and Ciap-

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para. The Chapter, after due deliberation, awarded the aforementioned benefice to Canon Grech. Canon Ciappara, believing that Canon Grech was not legally entitled to the right of selection due to the failure to observe the conditions stipulated in the Bull of Urban [VIII], objected and appealed to the Sacred Congregation of the Council, which ordered that the matter be examined in a judicial manner before the Curia of Melit. The Curia of Melit, through a delegated judge, issued a sentence by which, on April 20, 1910, the right of selection for Canon Grech was confirmed. Canon Ciappara did not accept this sentence and appealed to the Holy See. However, shortly after the appeal was filed, Canon Grech died. Canon Ciappara again petitioned the Sacred Congregation of the Council, urging that the canonry of "S. Venera," still vacant due to the failure of Canon Grech to assume the position after being selected, be granted to him gratuitously. But the Sacred Congregation of the Council rejected the petitions of Canon Ciappara and ordered that the process of selection be renewed. Since Canon Formosa explicitly stated that he wished to withdraw from the process, of the two remaining candidates, Canon Mifsud was chosen by the Chapter. Canon Ciappara, believing that Canon Mifsud had been unjustly elected by the Chapter to the benefice of "S. Venera," appealed to the Holy See; and the Most Blessed Father entrusted the task of resolving this matter to the Sacred Tribunal. With the question properly formulated, the controversy is to be resolved under the following formula: "Whether the aforementioned benefice, called 'S. VENERA,' should be conferred, in this case, on Canon Ciappara, 'or rather' on Canon Mifsud, by right of selection?" Regarding the law: The right of selection is defined as a certain right, by virtue of which older Canons gradually, having relinquished their own benefices, can choose and obtain another vacant benefice, which is not reserved, within a certain time. From this definition, which is common among Canonists, in the Sacred Congregation of the Council, and also in the Holy See, it is clear that...

[*Latin ed. p. 87*]

St. Bowana Bota. 87. To seek advancement based on merit, office, and accomplishments; but this is a consequence of holding a position and performing duties due to a longer and more established tenure of service. Cf. Scarfantonius, vol. II, p. 147; Moneta, *De Optione*, chapter I, no. 13; Pitonius, *Disceptationes*, 10, nos. 7, 12 and following; Aichner, *Compendium Iuris Ecclesiae*, 11th edition, p. 299; the Sacred Congregation and the Roman Rota in numerous decisions. The privilege of option is not established by common law, but either by a capitular statute, or by custom, or even by a pontifical grant, as was the case in the Cathedral Church of Melevita, namely, by a Bull of Urban VIII, the words of which are cited above. And with regard to the meaning and force of the privilege granted by the aforementioned Bull, there is no ambiguity; the true interpretation is that which

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has been received up to now by the Chapter of that Church, namely, that the right of option should be understood to apply to the older Canons, but excluding those who have not made at least some improvements in the services they provide. Therefore, according to the Bull of Urban, it is not he who has made the best improvements, but he who is senior in length of service in the choral ministry, provided that he has introduced some improvements in the services he provides, who has the right to choose. And the Sacred Congregation also recognized this to be the true interpretation of the Bull of Urban, and wrote to the Ordinary of Melevita on August 7, 1909, as follows, regarding this matter: "It seems to this Sacred Congregation that the expressions used by the Pope in the Brief itself are such that it cannot be said that the custom currently in force among the Chapter, by which the oldest among those entitled to choose is selected, is contrary to the intention of him who granted the privilege, and to the purpose set forth by him... Indeed, Pope Urban VIII, in his Brief, first grants the Chapter the right or privilege of option, and then excludes from the exercise of such a right those among the Canons 'who have not made any improvements for the benefit and convenience of the Canons.' It therefore seems that, according to the intention of the Pope, the improvements made should simply constitute a *sine qua non* condition for choosing, leaving the choice among the various candidates to be determined according to the common criterion of seniority." Furthermore, if the Bull of Urban is carefully considered, no trace is found that the Supreme Pontiff derogates from the common law, according to which the position is to be conferred upon the older one among those choosing. Once the right of option has been granted or introduced, all Canons can enjoy it, unless something reasonably or legitimately obstructs the option. Indeed, by the very nature of the office, the Penitentiary (the same applies to the office of Theologian), neither can choose, nor can a Canon Penitentiary choose another to provide the service.

[*Latin ed. p. 88*]

88 Acta Apostolicae Sedis. - Official Commentary. Regarding the case of Ferraris: "A Canonry of Penance cannot be requested; nor can a 'Penitentiary' request that another be assigned to him, because it appears that the 'Penitentiary' is designated for a particular person..." Cf. Bibl. Canon. v. Canonry, art. IX, no. 64. And this was the constant practice of the Sacred Congregation of Councils, which the same Sacred Congregation followed even in another case of assignment, which occurred in the year 1726 in the very Church of Melevitana: when the Canon of Penance, Marsiglia, along with others, requested the canonry of "Ta Ghar Barca," and the Chapter assigned the canonry to him, the Canon Grech, one of those requesting, appealed to the Sacred Congregation of Councils, which revoked the assignment of the Canon Marsiglia. - However, even a Canon of Penance

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(and the same applies to a Canon Theologian) can request that another be assigned, provided that he resigns his office at a suitable time and the assignment is in the hands of the Bishop, and he accepts it. Thus, Pallottini teaches: "It is permissible for a Canon Theologian (the same applies to a 'Penitentiary') to have the right to request an assignment, if, having resigned his office with the assignment 'in the hands of the Bishop,' according to the law expressed therein, he is free to request an assignment for himself, and the Bishop admits this resignation for a just cause." Cf. Collect. S. C. C, vol. XIV, v. Assignment, no. 25. The cited author approves of this, citing the resolution of the Sacred Congregation of Councils, which answered the question: "Does a Canon of Lucca, having resigned his office with the theological assignment 'in the hands of the Bishop,' have the right to request an assignment in this case?" with: "Affirmative." As for the facts: - It is certain that the Canon Ciappara obtained, and still holds, an assignment to which, by virtue of the faculty granted by the Sacred Congregation of Councils, the office and title of Penitentiary are permanently attached; therefore, when the Canon of Penance, Ebeier, having requested and obtained the assignment of "S. Venerae," transferred the office of Penitentiary to it, he did so arbitrarily; while, in reality, the assignment remained attached to the assignment that Canon Ciappara actually possesses. Furthermore, it is established that Canon Ciappara obtained the aforementioned assignment without the concurrence, or contrary to the form prescribed by Benedict XIII for Italy and the adjacent islands, through the Constitution "Pastoralis Officii"; according to this Constitution, the assignment was not only completely lacking, but is now devolved to the Holy See. - Could these defects have been remedied by the rule regarding three years of possession? At least it is more probable to deny it. Indeed, the rule regarding three years is based on a colored title and legitimate possession. "For," says D'Annibale, "a title signifies a cause (L. 13, de petit, hered.). Therefore, a 'title' is that by which some right is acquired. It is deduced in truth, color, and presumption. A true title is one in which nothing is lacking in order to transfer the right in question; a colored title is one in which, apparently, nothing is lacking, but in reality it suffers from a hidden defect, and therefore it transfers nothing; finally, a presumed title..."

[*Latin ed. p. 89*]

The Roman Rota. 89 "He who is falsely believed to be subject." Cf. Summ., p. 1, n. 79, ed. III. "When 'it' is a matter of a benefice, as Riganti says, the title is considered 'colored,' that is, it emanates from him who possesses the original power to confer benefices, 'even if the exercise of that power is impeded for some reason; or, alternatively, if the collation has been made under certain conditions, but is subject to some defect, such as when a benefice is conferred which, due to the lapse of time for its conferral, had already reverted, and so forth.'" Cf. Comment. ad

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hanc regulam, n. 12. Indeed, the Most Reverend Fathers observed in the case in question that the 'colored' title was lacking, and that the title was entirely absent. Certainly, the Bishop of Melit was not intending to confer upon Canonico Ciappara the office of Penitentiary, as such; but perhaps he thought that the office of Penitentiary could be separated from his benefice, and he wished to confer only the benefice upon Canonico Ciappara. This is sufficiently clear from the document of collation, in which it is written: "Since, therefore, the Canonicates and Benefices of Our Holy Cathedral and Archiepiscopal Church of Melit are vacant and are presently vacant, then the office of Penitentiary shall be attached by option made, etc." Therefore, in the collation of the benefice, which was to be the Penitentiary's, the title was entirely lacking. Indeed, when the title is entirely lacking, the 'colored' title cannot even be understood, because the presupposition is denied. - As for possession, there is nothing to inquire about its legitimacy, since the possession itself, just like the title, is entirely lacking. Certainly, if the Bishop of Melit did not intend to confer upon Canonico Ciappara anything other than the benefice without the office of Penitentiary, then Canonico Ciappara obtained it as such; in reality, he never considered himself to be a Canon of the Penitentiary, and he never exercised the office of Penitentiary. Therefore, since the possession of the benefice, which was to be the Penitentiary's, is lacking, the prescription also lacks, according to the well-known principle: "Only that which is possessed can be prescribed." It cannot be admitted, as the advocate claims in his latest submissions, that the prescription applies only to the benefice and not to the office of Penitentiary; for it is not permissible for a private possessor, even by virtue of the three-year rule, to separate the office of Penitentiary from his benefice, contrary to the prescription of the Council of Trent. De Herdt, Praxis Capit., De Canonico Poenit.; Acta S. Sedis, I, p. 611. Therefore, it follows that Canonico Ciappara cannot be listed among the Canons of the Cathedral Church of Melit, and therefore he should be excluded from the right of option. And this conclusion would be reached, even if we were to assume the hypothesis that Canonico Ciappara is a Canon of the Penitentiary, for, according to what has been explained above, he could not, as such, enjoy the right of option; but, in this hypothesis, if he had, in due time, resigned the benefice in the hands of the Bishop for the purpose of opting, which he failed to do. Therefore, only one Canon, Mifsud, remains, and it must be inquired whether...

[*Latin ed. p. 90*]

90 Acta Apostolicae Sedis. - Official Commentary. and thus enjoy the right of option. Although any objection may seem to be present, the Reverend Fathers have sufficiently demonstrated that Canon Mifsud can enjoy the right of option in this case. However, a difficulty must first be resolved, which was raised by the advocate for the opposing party, namely

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that Canon Mifsud possesses a prebend, which was established after the granting of the privilege; therefore, he cannot enjoy the same benefit. This was acknowledged by Canon Mifsud himself, who appealed to the Sacred Congregation of Councils, so that he might enjoy the right of option. It is true that Canon Mifsud possesses a prebend, which is one of those of recent establishment; but it does not follow that he is thereby deprived of the right of option. Indeed, Urban VIII, who in the year 1624 granted the right of option to the Chapter of Malta, in the year 1633 established five new canonries, and in the year 1638, when certain canons challenged the exercise of the right of option against the Bishop, confirmed the privilege of option, and that for all canons, without exception. Moreover, the Pontiff, in the instrument of the new establishment, clearly states that the new canonries should enjoy all privileges, prerogatives, favors, and graces, so that there should be no difference between the canons of the old and the new establishment. If the Pontiff had wished to exclude the new canons from the right of option, he would have had to declare this explicitly. Similarly, other Pontiffs, such as Clement XIII and Benedict XIV, who established new canonries in the Church of Malta, granted to them all the privileges and indulgences enjoyed by the old canons, without any restriction or exception. Furthermore, regarding the question of whether new canons have the same rights and privileges as the old canons, De Herdt writes: "In the case of the establishment of new canonries, new canons are generally admitted to all prerogatives, without any difference whatsoever. The reason is that, since these canons are truly and properly such, and constitute one body representing the Church, they should not be distinguished from the other members of that body; but, in some way, upon their reception into the ranks of the canons, they should participate in all canonical rights and privileges, just like the old canons." See I. c, cap. 7, § 11, n. 2. The fact that Canon Mifsud appealed to the Sacred Congregation of Councils to enjoy the right of option indicates only that Canon Mifsud, in a subjective doubt, rather than in an objective one, was uncertain whether the canonry of recent establishment enjoyed the right of option, and that he sought the assistance of the Holy See for greater security. Having resolved these difficulties, which appear to be the most serious, it must be determined whether Canon Mifsud has fulfilled the conditions required for the right of option. First, no investigation need be made into the antiquity of Canon Mifsud, which the opposing party also acknowledged, and from certain documents...

[*Latin ed. p. 91*]

The Roman Rota, in its deliberations, has noted the following. Regarding improvements, the Reverend Fathers have observed that Canon Mifsud has complied with the conditions established by Urban VIII concerning improvements. Although the property is held by Canon Mifsud, and is part

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of the common table; nevertheless, it can be indirectly improved, namely, by increasing the revenue. It has been examined whether Canon Mifsud has, in fact, increased the revenue of the common table, and the Chapter, almost unanimously, approved, using these words: "The work of Monsignor Dr. Alfredo Mifsud, through which he has increased and improved the so-called 'Fabric of the Church' and the Capitular table, of which his prebend is a part, can be classified as follows... Now, taking into due consideration, on the one hand, the commitment, the study, and the exclusive work of Monsignor Mifsud in the manner indicated to benefit the Capitular table, which is not due to his ordinary duties as a Canon, and this without any reward, but with great personal inconvenience, without any expenses or judgments of any kind; and on the other hand, considering also that the Cathedral Church, as is known to all, does not possess other revenues other than those derived from rural and urban properties existing in Malta and Gozo, and from these revenues it must subsist; therefore, in this particular and singular case, if nothing else prevents it, and always subject to better considerations, according to our opinion, such benefits enable Monsignor Mifsud to have the aforementioned option." From these statements, it is understood that the Chapter has acknowledged that Canon Mifsud has, at least in substance, satisfied the conditions established by Urban VIII regarding improvements. This deduction is consistent with the Bull of Urban VIII, and is legally sound. It is consistent with the Bull of Urban VIII, because it does not seem to require that improvements be made solely and directly on the property of the prebend; rather, it is indifferent whether the improvements are made by obligation, such as by virtue of the office of a procurator, or otherwise, etc. It is also legally sound, because the Chapter, with regard to the rights granted to the College, is the interpreter and enforcer of its own statutes, whether established by itself or granted by legitimate authority, no less than it is the author of statutes, as all Canonists teach. See Ferraris, vol. 1, chapter "Capitulum," nos. 72 and following, edition of P.F.; Wernz, vol. II, "Ius Constit. Eccl.," no. 790; De Herdt, chapter XXXI, § 2, etc. However, from the foregoing, it does not follow that all canons who have provisions regarding new constructions have an unrestricted right to the option; but in each case, it must be examined whether, at least in substance, the Urbanian clause has been observed. Having considered and diligently pondered all of these matters, invoking the name of Christ, and with only God before our eyes, We, the undersigned, have heard...

[*Latin ed. p. 92*]

Acts of the Apostolic See. - Official Commentary. Ninety-two judges, seated for the Tribunal, we pronounce and definitively judge, responding to the proposed question: Negatively to the first part, affirmatively to the second. As for expenses, we decree that they shall be compensated between the parties. Thus we pronounce, ordering the Ordinaries of

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the places and the Ministers of the Tribunals to whom this pertains to enforce this our definitive judgment, and against those who resist, to proceed according to the norms of the Sacred Canons, especially chapter 3, session XXV, concerning the Reforms of the Council of Trent, using executive and coercive means that are more effective and appropriate for the circumstances. Rome, on the 12th of August, 1911. Michael Lega, Dean. L. © S. Anthony Perathoner. Joseph Alberti, Registrar. Sac. Tancredes Tani, Notary. LETTERS I. TO R. P. JANVIER, O.S.D., WHO PRESENTED TO THE HOLY FATHER, IN THE MONTH OF AUGUST, A VOLUME OF NINE SACRED PRAYERS, WHICH HE RECITED IN THE METROPOLITAN CHURCH OF "NOTRE DAME" IN PARIS.

My Reverend Father, The Sovereign Pontiff, Pius X, deeply touched by the sentiments of your filial piety, has graciously accepted the tribute of the 9th volume of your Conferences at Notre Dame de Paris. The Holy Father has noted that, after completing this luminous synthesis of general morality, which has brought your numerous and select audience into contact with the divine plan and the supernatural order, you are fortunately approaching special morality through the study of the theological virtue of faith, the seed and foundation of all Christian life. Showing in turn the divine realities that constitute the object of faith, the character that makes the possessed faith the nobility of human intelligence, the relationships of faith with the dogmatic teaching of the Church and with the infallible magisterium of the Supreme Pontiff, you finally establish the duties and practice of faith, and you give to souls anguished and yearning for God, more than ever, the splendid and e...

[*Latin ed. p. 93*]

Secretariat of State. With the illuminating light of integral truth, carefully elucidated through the firm and precise doctrine of the Angelic Doctor, freed from all prejudice and error. The Supreme Pontiff rejoices in the benefits that your eloquent and apostolic words bring to souls, and He congratulates you on effectively serving the cause of Christ, and He makes wishes that your upcoming Lenten retreat be blessed by God and abundantly fruitful in enlightening souls concerning the vices contrary to the Faith. As a pledge of His paternal affection, His Holiness grants, with all His heart, to You and to your listeners the Apostolic Blessing. With my personal thanks for the copy that You graciously sent me, please accept, Reverend Father, the expression of my most devoted sentiments in Our Lord. December 20, 1911. R. CARD. MERRY DEL VAL. TO R. P. D. FRANCISCUM M. DELAWIRE, AUXILIARY ARCHBISHOP OF CAMBRAY, WHO SENT TO THE MOST BLESSED FATHER THE REVERENT ADDRESS AND THE NOBLE LETTERS OF THE CATHOLICS. Your Eminence, The Supreme Pontiff has learned with the greatest interest of the noble Address transmitted by Your Eminence

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and bearing the numerous signatures of the members of the thirty-eighth Congress of Catholics of the North and Pas-de-Calais. His Holiness could not read without emotion these pages vibrant with faith and devotion to the Holy See, written by men whose living and fruitful works signal them to the admiration of all of France. It was very pleasing to the Holy Father to learn, through the letter of Your Eminence, that this Congress, honored by the presence of the Most Eminent Archbishop of Malines, and the Bishops of Arras and Digne, was not inferior to its predecessors, neither in the importance of the matters treated, nor in the increasing value of the results observed in the intensification of Catholic Action in your province. The progress made, especially in the organization and functioning of the diocesan Union, is both very remarkable and full of promise for the future. In the presence of such sustained and fruitful activity, the Supreme Pontiff has the firm hope that the efforts of the evil spirit and its minions will always be thwarted by the faith and zeal of your...

[*Latin ed. p. 94*]

94 Acta Apostolicae Sedis. - Official Commentary. Christian populations, if intelligently organized, and if firmly maintained in the right path by the guidance of their clergy united with the heads of the dioceses and the Supreme Pastor. As a pledge of this definitive victory, His Holiness grants, with all His heart, to Your Eminence, and to all the members of the Congress, as well as to all your diocesans, the Apostolic Blessing. I seize this opportunity with eagerness to offer you, Monsignor, the assurance of my most devoted sentiments in Our Lord. January 2, 1912. R. DIARIUM ROMANAE CARD. MERRY DEL VAL. SACRED CONGREGATION OF RITES. PREPARATORY CONGREGATION. On January 16, 1912, before the Most Reverend and Most Illustrious Cardinal Sebastian Martinelli, Prefect of the Sacred Congregation of Rites, in charge of the cause of beatification and canonization of the Venerable Francesco de Montmorency-Laval, first Bishop of Québec, the Preparatory Congregation of the Sacred Rites was held, in which the Reverend Prelates and Theological Consultors discussed the doubt regarding the heroism of the virtues exercised by the aforementioned Venerable Servant of God. SECRETARY OF STATE. APPOINTMENTS. By notes from the Secretary of State, the Holy Father deigned to appoint: January 9, 1912. — The Most Reverend Cardinal Diomede Falconio, among the Most Reverend Cardinals composing the Sacred Congregation of Propaganda Fide, for matters concerning the Oriental Rite. — The Most Reverend Cardinals Ludovico Billot and Guglielmo van Rossum, among the Most Reverend Cardinals composing the same Sacred Congregation for matters concerning the Latin and Oriental Rites. January 22. — The Most Reverend Cardinal Gaetano Bisleti, Protector of the Penitents Recollect of Assesse. January 24. — The Most Reverend Cardinal Ludovico Billot, Protector of

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the Religious Sisters of Our Lady of the Cenacle. January 27 — The Most Reverend and Most Illustrious Monsignor Raffaele Scapinelli di Lèguigno, Apostolic Nuncio to the Imperial Royal Court of Austria-Hungary, being simultaneously raised to the Archiepiscopal See of Laodicea.

[*Latin ed. p. 95*]

From the Diary of the Roman Curia. 95. Through notes from the Secretariat of State, the Holy Father, in accordance with the Apostolic Constitution "Etsi Nos" concerning the Vicariate of Rome, deigned to appoint: January 21st. – Monsignor Francesco Faberi, Assessor for the discipline of the Clergy and the Christian People. – Monsignor Raffaele Chimenti, Auditor for judicial affairs. – Monsignor Pietro Cisterna, Prefect of the Economic Administration. January 23rd. – Monsignor Angelo Sinibaldi, Secretary for the discipline of the Clergy. January 23rd. – Monsignor Venceslao Cordeschi, Secretary for Schools. – Monsignor Pio Mingoli, Secretary for the discipline of female religious institutes. – Monsignor Francesco Pascucci, Secretary for Catholic Works. With notes from the Secretariat of State and with Briefs, the Holy Father deigned to appoint: Apostolic Protonotary, as if among those participating: January 10th, 1912. – Monsignor Ernesto Commer, formerly Professor of Dogmatic Theology at the University of Vienna. Domestic Prelates of His Holiness: December 22nd, 1911. – Monsignor Giulio Grazioli, Under-Secretary of the Holy Congregation of the Council. January 8th, 1912. – The Reverend Doctor Giovanni Soukup, Dean of the Chapter of the Cathedral of Königgrätz. – Monsignor Mattia Musil, Canon and Curate of the same Cathedral. – Monsignor Antonio Brychta, Canon and Custodian of the same Cathedral. January 11th. – The Reverend Giovanni Morlani, Canon of the Cathedral and Prior of the Basilica of Saint Mary Major in Bergamo. January 12th. – The Reverend Teodoro Robert, Canon of the Cathedral of Nantes. HONORS. With notes and Briefs from the Secretariat of State, the Holy Father deigned to bestow the following honors: The Order of the Golden Militia, called the "Golden Spur": January 9th, 1912. – To His Excellency, Prince D. Filippo Lancellotti, Roman Patrician. The Grand Cross of the Order of Saint Gregory the Great, civil class: January 10th, 1912. – To the Right Honorable Count Antonio Magnis, of the Archdiocese of Prague. The Plaque of the Order of Saint Sylvester: January 18th, 1912. – To the Right Honorable Commendatore Avv. Assuero Ruggeri. The Knighthood of the Order of Saint Gregory the Great, civil class: January 9th, 1912. – To the Right Honorable Avv. Carlo Seemayer, of the diocese of Csanad. January 17th. – To the Right Honorable Goffredo Raupert, of the Archdiocese of Westminster. January 22nd. – To the Right Honorable Paolo Gauthey, of the diocese of Autun, Doctor of Law.

[*Latin ed. p. 96*]

96 Acta, Apostolicae Sedis. - Official Commentary. The Knighthood of

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the Order of St. Gregory the Great, military class: January 17, 1912. — To Mr. Francesco Saverio St. Michel, formerly a Papal Zouave, of the archdiocese of Montréal. The Knighthood of the Order of St. Sylvester the Pope: January 9, 1912. — To Mr. Filippo Mitzka, Chief Architect at the Imperial Royal Prefecture of the Province of Tyrol. January 10. — To Mr. Mario Casoni, Secretary of "La Fedeltà." — To Mr. Antonio Blasi, in charge of administration at "La Fedeltà." January 18. — To Mr. Antonio Rossi, of Rome. — To Mr. Engineer Giuseppe Venarucci, of Rome. January 11. The Holy Father, with notes from the Secretariat of State, deigned to appoint: Honorary Secret Chamberlains: January 13, 1912. — Monsignor Giovanni Vadász, of the diocese of Csanád. January 17. — Monsignor Ansgario Manfroni, of the diocese of Dresden. — Monsignor Luigi De Monte, of the diocese of Verona. — Monsignor Luigi Brugnolli, of the diocese of Trento. January 21. — Monsignor Francesco Dorfmann, of the archdiocese of Vienne. January 27. — Monsignor Giovanni O'Leary, of the diocese of Ross. Honorary Chamberlains in peacock blue: January 11, 1912. — Monsignor Emanuele Cérveny, of the diocese of Budweis. January 17. — Monsignor Francesco Saverio Topp, of the diocese of Florianopolis. — Monsignor Francesco Giuseppe M. Lambermont, of the diocese of Bois-le-Duc. — Monsignor Antonio Giovanni Norberto Vermenlen, of the diocese of Bois-le-Duc. Honorary Chamberlain *extra Urbem*: January 27, 1912. — Monsignor Guintino Rodríguez de Oliveira y Silva, of the diocese of Fortaleza. Honorary Secret Chaplain: January 17, 1912. — Monsignor Stefano Szabados, of the diocese of Csanád. Honorary Chamberlain of sword and cape (supernumerary): January 27, 1912. — Mr. Guglielmo Power, of the archdiocese of Philadelphia. Honorary Chamberlain of sword and cape: January 26, 1912. — Mr. Advocate Enrico Maria Agostino Cousin, of the archdiocese of Besançon. NECROLOGY: January 16, 1912. — Monsignor Luigi Andrea Navarre, Archbishop *titularis* of Cirro, Apostolic Vicar of New Guinea (English). January 19. — Monsignor Alessandro Bavona, Archbishop *titularis* of Farsaglia, Papal Nuncio to His Imperial Royal Apostolic Majesty. January 23. — Mr. Marquis Luigi Serlupi-Crescenzi, Knight Commander of His Holiness. January 28. — His Excellency, the Most Reverend Marcantonio Colonna, Prince Assistant to the Holy See.

[*Latin ed. p. 97*]

Year IV. - Vol. IV. February 15, 1912. No. 3. OFFICIAL ACTS OF THE SUPREME PONTIFF PIUS X. APOSTOLIC LETTER. A sodality of the Most Holy Rosary, canonically erected in the diocese of Saint Agatha, in the town of "Mojano," is raised to the rank of an Archconfraternity. PIUS PP. X. For the perpetual memory of the matter. — We are always pleased, according to the custom and practice of the Roman Pontiffs, to augment with privileges and honors those pious associations of Christian men which, by the abundant fruit of souls and singular practice of piety, excel among

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others. Therefore, having been informed that in the town commonly called "Mojano," in the diocese of Saint Agatha, a confraternity under the title of the Most Holy Rosary of the Blessed Virgin Mary, canonically erected, is distinguished by the large number of its members, who diligently attend and adorn the sacred ceremonies, and that the members themselves have earnestly requested Us to deign to grant it the title of Archconfraternity, We have judged it right to accede to such requests. Wherefore, after examining the petition of the Vicarius Capitularis of the aforementioned diocese, with a recommendation for the fostering of devotion to the Divine Mother according to their abilities, by Our Apostolic Authority, through these Letters, We perpetually establish and raise the sodality under the title of the Most Holy Rosary of the Blessed Virgin Mary, duly instituted in the town of "Mojano," to the rank of an Archconfraternity for honor, and We enrich it with the customary privileges; decreeing that these Our Letters shall always exist and be valid and efficacious, and shall have their full and complete effect and obtain it, and that they shall fully suffice for those to whom they pertain, now and in the future, in all things and through all things; and that, accordingly, the matters contained herein shall be judged and decided by any ordinary or delegated judge, and that they shall be null and void if otherwise, concerning these matters.

[*Latin ed. p. 98*]

98 Acta Apostolicae Sedis. - Official Commentary. Should anything, by anyone, with or without authority, knowingly or unknowingly, happen to occur that might be detrimental: notwithstanding the Constitutions and Apostolic Ordinances, including those deserving of special and individual mention and derogation, and all other things to the contrary. Given in Rome, at St. Peter's, under the Fisherman's Ring, on the twenty-ninth day of January, 1792, in the ninth year of Our Pontificate. R. L. S. CARD. MERRY DEL VAL, from the Secretariat of State. LETTERS. I. TO JAMES LICA, CARDINAL GIBBONS, ARCHBISHOP OF WASHINGTON, OF THE BALTIMORE STUDIES. Beloved Son, greetings and apostolic blessing. — It has happened, quite beyond expectation and hope, that this Catholic University has grown greater day by day, which, in Washington, the capital city of the United States of America, founded by the zeal of Catholics and increased by every legitimate right from the Apostolic See, there, the doctrine of all divine and human sciences holds a most prominent place. Having seen the faith and generosity of Catholics from America, We had no doubt that, with their continued support, that newly established home of Christian wisdom would soon attain the glory of its name, so that it might be considered among the most distinguished institutions of this nation. However, the letters that you recently sent to Us were most pleasing, not only because it was more agreeable to learn of this matter from you yourself, but also because you confirmed what was most desirable to Us; that is,

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that in that venerable seat of learning, elegance of doctrine is perfectly combined with the integrity of faith, so that young men, both clerics and laymen, are instructed in the good arts, no less than in religion. Therefore, We are truly pleased to congratulate you, first and foremost, beloved Son, to whose prudence and foresight We attribute this happy state of affairs; then also to the other Bishops of the United States of America, who are rendering excellent service in guiding the Lyceum; and finally, to the Rector and Professors of the College, whose teaching and diligence produce such outstanding results. But, as you yourself admit, there are still obstacles and hindrances that prevent the Washington Academy from flourishing in every respect.

[*Latin ed. p. 99*]

Acta Pii PP. X. 99: Angustiae familiares. Hinc, necessitas est ut pietatis fidelium liberalitatem imploremus; quod, cum iam per alios decem annos fecistis, iterum cogitamus, pro subsidio huius operis salutaris. Laudamus, sicut iam fecimus, prudentem voluntatem vestram, et eam fructiferam fore praemonemus, promptam et facilem ad largitiones catholicorum ex America: et etiam confidimus, vel eos ipsos quorum largitatem tenuitas impedit, symbolum suum voluntarium offerent; eo plus, quod ex hoc Lyceo tanta christianae humanitatis emolumenta exspectari licet, quanta catholici consueverunt adhibere scholis, quibus lex est mentem doctrinae studere, animos virtute conformare. Occasionem utimur ut eodem vos hortemur, quod iam Praedecessor Noster, felix Leo XIII, die xi Iunii MCMIV ad vos scribens, Americae Septentrionalis Episcopis suadebat, ut ex suis quisque delectos aliquos clericos, quorum ingenii vis et discendi ardor plus aliquid efficere possent, Washingtonianae Academiae instituendos traderent. Nos autem, dilecti Filii Nostri, certum habemus, Episcopos eosdem studiose Nobis obsecuturos, in re qua singularum dioecesium utilitas exploratissima coniuncta est. Iidem enim clerici, sacerdotio initiati et ad sua reversi, quodcumque Episcopis libet sacerdotale munus illis conferre, ea perficient diligentia, quam excellentiorem in ipsis praestabunt, doctrinae opes uberiores quas Washingtoniae acquisiverat. Suam quoque laudem hic a Nobis accipient Moderatores Familiarum Religiosarum, qui suorum Collegia tironum circum Washingtoniensem Universitatem condiderunt, quasi quandam filiorum coronam, qui Almam Matrem amplectuntur. Huius enim propinquitatis ea sunt commoda, quod ex una parte Collegiorum conspectus Academiam egregie exornat, eidemque opinionem auget; ex altera, religiosis alumnis qui domi studia doctrinarum colunt, Academia praestantiorum magistrorum copiam praebet, et cultum exquisitiorem, si qui athenaeum celebrare velint. Quae probe considerantes, Nos, quibus maxima est cura ut qui in sortem Domini vocati sunt, sanctitatis et doctrinae cultu evadant operarii inconfusibiles, recte tractantes verbum veritatis, Collegia eiusmodi singulari benevolentia

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amplectimur, et ceteros Religiosos Antistites hortamur ut id ipsum, omni nempe remoto regularis disciplinae detrimento, efficiendum curent. Iucundum etiam fuit ab vobis accipere, Episcopos Universitatis moderatores, rationem, provido consilio, initos qua, incolumi item religiosa disciplina, vel ipsis Religiosis Feminis faciliora redderent altioris doctrinae beneficia, quibus utilius versentur in puellis instituendis.

[*Latin ed. p. 100*]

Acta Apostolicae Sedis. - Official Commentary. 100 We, having diligently pursued what we have thus far written, place before you, beloved Son, the advancements of the esteemed Catholic Academy, which We desire above all else to promote. For We clearly understand how much a Catholic University, flourishing in renown and authority, can contribute to the dissemination and defense of Catholic doctrine, and to the betterment of the human race. Therefore, We see it as entirely proper to protect and promote it, thereby rendering a service both to religion and to the state. May the divine blessings and the witness of Our benevolence be with you, beloved Son, to the Rector, Professors, and students of the University of Washington. Given in Rome, near St. Peter's, on the eve of the sacred day when the Divine Infant was adored by the Three Wise Men, in the year 1912, in the ninth year of Our Pontificate. PIUS PP. X. TO THE MOST REVEREND CARDINAL LEON A. AMETTE, ARCHBISHOP OF PARIS, FROM ALL OF FRANCE, CONCERNING A MEETING OF CATECHISTS TO BE HELD IN PARIS. Beloved Son, greetings and the Apostolic Blessing. — We have, indeed, with pleasure, praised the work of the Catechists, which is flourishing among you. Now, however, when news has been brought to us that another gathering of Catechists from all of France, under your auspices, is to be held in Paris, we have also learned, by the grace of the merciful God and with the good will of all, that the work we mentioned has grown to such an extent that it now numbers forty thousand pious women who are diligently engaged in properly instructing children. Therefore, beloved Son, we add our congratulations to the praise that is due; and we do so with all our heart. As a testimony of Our will, We desire that these same pious women, and all those who are devoted to the advancement of this beneficial work, be so encouraged that they may receive a reward for their proven diligence, and that they may find further incentives to strive even more diligently in the future. — May this sign of paternal charity be confirmed by the Apostolic Blessing, which We impart to all those associated with this work, to the children whom they instruct, and finally, to you, beloved Son, as a pledge of heavenly blessings, with all Our affection. Given in Rome, near St. Peter's, on the 25th of January, 1912, in the ninth year of

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Our Pontificate. PIUS PP. X.

[*Latin ed. p. 101*]

Sacred Congregation of the Council. 101 III. TO THE MOST REVEREND CARDINAL VASZARY, ARCHBISHOP OF GRAN, CELEBRATING HIS EIGHTIETH YEAR. Greetings and apostolic blessing. — Our paternal benevolence, which embraces you, does not permit us to withhold a special expression of our esteem and appreciation for the office and duties you have performed, as we, in this gathering of hearts, congratulate you on your eightieth year. Therefore, let these letters be a testament to our wishes: wishes of the most heartfelt kind, declaring our joy in celebrating your age, richly adorned with merits, and anticipating new additions, both of years and of accomplishments, from God. May this Apostolic Blessing confirm our wishes, which, as a witness to our charity and of heavenly blessings, we bestow from the heart upon you, our beloved Son, and upon the clergy and people entrusted to your pastoral care. Given at Rome, near the Holy Peter, on the day of February, in the year 1912, in the ninth year of Our Pontificate. PIUS PP. X. I. DECREE CONCERNING THE REPORT ON MODERNISM TO BE SUBMITTED TO THE HOLY SEE BY THE LOCAL ORDINARIES. Some Sacred Prelates have expressed doubt as to whether they are obliged to submit a double report on Modernism to the Apostolic See, that is, one every three years, as prescribed by the Constitution *Pascendi Dominici Gregis* of September 8, 1907, and by the *Motu Proprio Sacrorum Antistitum* of September 1, 1910; and the other every five years, together with a report on the state of their diocese, according to the decree of this Sacred Congregation of December 31, 1909, a matter which they have submitted to the Holy See for resolution. However, the undersigned Cardinal Secretary has reported this to Our Most Holy Father Pope Pius X, who, in order to dispel all anxiety and doubt, has deigned to declare and, if necessary, to establish that the Local Ordinaries, when they submit a report on the state of their Church each year, can simultaneously fulfill the obligation arising from the aforementioned Constitution *Pascendi Dominici Gregis* and *Motu Proprio Sacrorum Antistitum*.

[*Latin ed. p. 102*]

The Acts of the Apostolic See. - Official Commentary. The title originates, and therefore it must be noted in connection with the obligation to present a triennial report on modernism, as stipulated therein: and by the present decree, the Holy Congregation ordered that this be established and promulgated, notwithstanding any contrary provisions. Given in Rome, from the Secretariat of the aforementioned Holy Congregation, on the 25th day of the month of January, in the year 1912. C. CARD. DBLAI, Bishop of Sabina, Secretary. L. S. Scipio lecchi, Assistant. REGULATION OF CHURCHES.

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By successive decrees of the Holy Congregation Consistorial, His Holiness Pope Pius X provided for the following churches, namely: January 30, 1912. – To the titular archiepiscopal church of Laodicea, he appointed Monsignor Raphael Scapinelli di Léguigno, already Secretary of the Sacred Congregation for Extraordinary Ecclesiastical Affairs. January 31. – To the cathedral church of Des Moines, he appointed Monsignor Augustine Dowling, of the diocese of Providence, and Rector of the cathedral church there. February 3, 1912. – To the titular archiepiscopal church of Melitene, he appointed Monsignor John Bonzano, Rector of the College of Urban of the Congregation for the Propagation of the Faith. February 7. – To the cathedral church of Valence (-Die-Saint-Paul-Trois-Châteaux), he appointed Monsignor Emmanuel Mary Joseph Martin de Gibergues, of the archdiocese of Paris, Superior of the missionaries of that diocese. – To the cathedral church of Campeche, he appointed Monsignor Vincent Castellanos, Secretary to the Archbishop of Durango. HOLY CONGREGATION OF THE INDEX. I. DECREE: On Friday, February 1, 1912. The Holy Congregation of Bishops and Roman Cardinals, by the Most Holy Pope Pius X and the Holy Apostolic See, concerning the Index of books of corrupt doctrine, and their condemnation, expurgation, and permission.

[*Latin ed. p. 103*]

I. The Congregation of Rites, in its session held throughout the Christian republic, by the special mandate of the Most Holy Pope Pius X, condemned and condemns, excommunicates and excommunicates, and ordered that the following work be placed on the Index of Prohibited Books, and so it orders: MARIO PALMARINI, *Quando non morremo*. A heroic novel. Milan, 1911. Therefore, no one of any rank or condition may dare to condemn and proscribe the aforementioned work, in whatever place and in whatever language, or to publish it, or to read or retain it after it has been published, under the penalties indicated in the Index of Prohibited Books. Given in Rome, on the 1st of February, 1912. F/GARD. DELLA, Prefect. VOLPE, L.©S. Thomas Esser, O. P., Secretary. II. By decree of the Holy Congregation of the immediately preceding day, January 22nd, the Reverend Father L. Duchesne commendably submitted himself. In witness whereof, in Rome, on the 10th of February, 1912. Thomas Esser, O. P., Secretary. HOLY CONGREGATION OF RITES, LEODIAN. DECREE OF BEATIFICATION OF MARIA THERESIA HAZE, FOUNDRESS OF THE CONGREGATION OF THE DAUGHTERS OF THE CROSS, AND OF THE CANONIZATION OF THE VENERABLE FIRST MOTHER, MODERATOR, SOROR CRUCE. On the 27th of February, in the year 1782, Maria Teresia Haze, formerly called Joanna, was born in Liège, in Belgium; who, having commendably spent her youth, rejecting marriage, dedicated herself entirely to God and to works of mercy. Sparing no effort and, with God's help, overcoming great obstacles, she founded the Congregation of

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the Daughters of the Cross, whose principal mission is to care for the sick, the captives, and young girls.

[*Latin ed. p. 104*]

104 Acts of the Apostolic See. - Official Commentary. concerning the afflicted. In these works, as is reported, the Servant of God was an example to all, and she is even adorned with the Cross, which is called the Cross of Virtue. She died on February 8, 1876, to the great sorrow of the people, who proclaimed her endowed with holiness. This opinion of her holiness grew so much that investigations were begun and completed by the Ordinary Tribunal in the Court of Liège. These processual acts, having been presented to the Congregation of Sacred Rites and subjected to its examination and judgment, and after the revision of the writings of the aforementioned Servant of God had been completed, and after obtaining a dispensation from the lapse of the ten-year period and from the intervention and vote of the Consultors, nothing stood in the way of proceeding further, at the urgent request of the Reverend Father Mauro Serafini, Abbot General of the Cassinese Congregation of the Order of Saint Benedict, and Postulator of this Cause, and with the attention given to the supplicatory letters of certain Eminences of the Holy Roman Church, and of many Roman Sacred Prelates, as well as of other men and women of nobility and dignity, even of royal standing, and with the requests of many from the secular and regular clergy, and of Sodalities of nuns or sisters, together with the General Superior of the Congregation of the Daughters of the Cross, the Eminence and Reverend Cardinal Vincent Vannutelli, Bishop of Palestrina, Relator of this Cause, having been convened with the undersigned at the meetings of the Ordinary Congregation of Sacred Rites on the date indicated at the Vatican, he proposed the following question for discussion: Whether a Commission for the Introduction of the Cause should be appointed in this case and for the purpose of which we are speaking? And the Eminences and Reverend Fathers presiding over the Sacred Rites, having heard the voice and the writings of the Reverend Father Alexander Verde, Promoter of the Holy Office, and having carefully considered all things, they judged it fitting to write: Affirmative, that is to say, that the Commission should be appointed, if it pleases the Most Holy. On December 12, 1911. Subsequently, a report was made to the Most Holy Lord Pope Pius X by the Cardinal Prefect of the Congregation of Sacred Rites, and His Holiness, approving the decree of the aforementioned Sacred Council, deigned to sign with his own hand the Commission for the Introduction of the Cause of beatification and canonization of the Venerable Servant of God, Sister Mary Theresa Haze, foundress and first superior of the Congregation of the Daughters of the Cross. Fr. S. CARD. MARTINELLI, Prefect. L. cß s. f.

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Petrus La Fontaine, Bishop of Charyste, Secretary.

[*Latin ed. p. 105*]

Sacred Congregation of Rites. 105. DECREE CONCERNING SIMPLE RITES HAVING PROPER ANTIPHONS. The following questions, regarding the Antiphons and Psalms for the Hours of Prayer, according to the new regulations, in certain feasts of the simple rite and in the Office of Saint Mary on Saturdays, were presented to the Sacred Congregation of Rites for a suitable solution: I. Whether, in simple feasts which have proper Antiphons for the Hours of Prayer, taken from another feast, such as in the feast of Saint Agnes, the Psalms of the Sunday should still be recited for the Hours of Prayer with the Antiphons of the simple feast; or rather, whether the Antiphons and Psalms of the feria [weekday] occurring, and from the beginning of the Hour of Prayer, should pertain to the simple feast? II. Whether, in the Office of Saint Mary on Saturdays, the Antiphons of that very Office should be recited for the Hours of Prayer with the Psalms of the Sunday; or rather, whether the Antiphons and Psalms of the Saturday occurring, and from the beginning of the Hour of Prayer, should pertain to Saint Mary? And the Sacred Congregation itself, after hearing the opinion of the Liturgical Commission, and after careful deliberation, decided to respond to both questions as follows: Negatively to the first part, and affirmatively to the second. And thus it decreed on January 26, 1912. FR. S. CARD. MARTINELLI, Prefect. L.©S. f Petrus La Fontaine, Bishop of Charystien, Secretary. III. DECREE. CONCERNING CERTAIN FEAST DAYS AND SUNDAYS TO WHICH THEY ARE ADDED. Since, according to the new regulations, feasts added to Sundays, unless they are feasts of the Lord or duplicates of the first or second class, cannot be celebrated in them any further; the Sacred Congregation of Rites, also considering the temporary prescriptions mentioned in the regulations attached, deemed it fitting to publish the following declarations: 1. The feast of the Commemoration of all the Most Holy Saints and Supreme Pontiffs of the Roman Church, in places where this feast, under a lesser or greater double rite, is celebrated as a Sunday, the first free Sunday after the Octave of the Holy Apostles Peter and

[*Latin ed. p. 106*]

Acts of the Apostolic See. - Official Commentary. 106. Furthermore, it has already been granted that, even though the first day of July is fixed for its celebration, the feast of Saint Paul may still be celebrated. 2. Likewise, the Feast of the Commemoration of the Saints' Relics, in those places where the same feast, under a minor or major double rite, has already been granted to be celebrated on a Sunday, may still be celebrated in the future, on the fifth day of November, fixed for that purpose. 3. If any feast of the Universal Church, whether of the Blessed Virgin Mary or of the Saints, under a minor

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or major double rite, has been permitted to be celebrated on a Sunday in any place, it must, without fail, be restored to its proper day. And thus it was decreed on February 9, 1912. Fr. S. CARD. MARTINELLI, Prefect. L. © S. f. Petrus La Fontaine, Bishop of Charyste, Secretary. IV. VARIOUS DIOCESES. VARIOUS DOUBTS. The following doubts have been proposed to the Sacred Congregation of Rites by several Ordinary of places in Rome, for a suitable solution: I. Do feasts of the Blessed Virgin Mary or of the Saints, which are attached to Sundays, and which have been permanently simplified by the local Ordinaries, impede the recitation of the Suffrage at Lauds and Vespers, the Prayers at Prime, the Athanasian Creed at Prime, and the third Collect in the Mass? II. When the feast of the Blessed Virgin Mary, which is perpetually simplified by the local Ordinaries, occurs on a Sunday, will the concluding hymns and the short responsory verses at Prime be about that Blessed Virgin, according to the norm of the Decree in Rome and others, of December 30, 1911, concerning the first part? III. If a feast of the second class falls on a Sunday, and it is necessary to commemorate a feast that has been simplified, which by itself has its own Preface in the Mass, or if a feast within a certain Octave occurs that also has its own Preface, should the Preface of the Trinity be recited, or rather the Preface proper to the simplified feast, or to the Octave? IV. When, according to the new rubrics of the First Vespers of Sunday within an Octave, unless the Epiphany itself falls on a Saturday, the complete readings pertaining to that Sunday are to be read, what is to be done with the last of these Vespers?

[*Latin ed. p. 107*]

Sacred Congregation of Rites. Regarding the question of whether the Psalm "Laudate Dominum" should be recited during the First Vespers, or rather "In exitu Israel" during the Second Vespers? Furthermore, the Sacred Congregation of Rites, after careful consideration of the report of the undersigned Secretary, decided to respond as follows: To Question I: Affirmative in all respects. To Question II: Affirmative. To Question III: Affirmative regarding the first part, negative regarding the second part. To Question IV: Affirmative regarding the first part, negative regarding the second part. And thus it responded, on February 9, 1912. Fr. S. CARD. MARTINELLI, Prefect. L,©S. f Petrus La Fontaine, Bishop of Charysten, Secretary.

CIRCULAR LETTERS. Since it is often inquired by the Sacred Congregation of Rites regarding the possibility of celebrating Mass for the repose of the dead during wartime in Tripoli on Sundays and other obligatory feasts, in which a greater number of the faithful may be present; the same Sacred Congregation reminds the Most Reverend Local Ordinaries that the Most Holy Pope Pius X, with the utmost clemency, considering the prayers and devotions of the clergy and the faithful, and because it is a holy and salutary prayer for the deceased, which also comforts those afflicted

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by grief, has graciously granted a dispensation from the liturgical rules, permitting that, on Sundays, but not on privileged days of the first class, and on other obligatory feasts that are not double of the first or second class, one Mass for the repose of the dead, with singing and the subsequent Absolution, may be celebrated in public churches or chapels, according to the prudent judgment of the respective Ordinary, observing all other rubrics. Furthermore, His Holiness commands and decrees that, in such funerals, even if they are held on days permitted by the rite, no one, of whatever rank, shall presume to deliver sermons or funeral orations in any church or chapel.

February 3, 1912. FR. S. CARD. MARTINELLI, Prefect. f Petrus La Fontaine, Bishop of Charysten, Secretary.

[*Latin ed. p. 108*]

108 Acta Apostolicae Sedis. - Official Commentary. SACRED ROMAN ROTA I. VESZPRÍM. NULLITY OF MARRIAGE (ANDRASSY-SZÉCHÉNYI) Under the blessed reign of Pope Pius X, in the eighth year of his pontificate, on June 2, 1911, Michael Lega, Dean, William Sebastianelli, Seraphinus Manu, Franciscus Heiner, Ioannes Prior, Aloisius Sincero, Ioseph Mori, Fridericus Cattani, Antonius Perathoner, Ioseph Alberti, Petrus Rossetti, Auditors in the case of "Veszprím. - Nullity of Marriage," between Lady Natalia of the Counts Andrassy, represented by her attorney, Mr. Nazareno Patrizi; and Aladar of the Counts Széchényi, who appeared and argued in the case as Defender of the Bond ex officio, rendered the following final judgment: The marriage was entered into on July 5, 1884, in Budapest, between Natalia of the Counts Andrassy and Aladar of the Counts Széchényi; but, unfortunately, it had an unhappy outcome. The wife, Natalia, who instituted judicial proceedings in the ecclesiastical court on October 6, 1906, before the Ordinary of Veszprím, claimed that she had married Aladar under grave coercion from her father, and that for this reason, the marriage was null. She asserts that she had loved a certain Count Harnancourt and that she could not, by threats or promises, be induced to attach herself to Aladar in mind and will through the conjugal bond, which she entered into only under compulsion. She states that her father imposed his will upon her because he "intended that the estate of Dionysius of the Counts Andrassy, of which 'the Andrassy family estate is a part, namely the place called Tszmahorka, and of which he himself was the guardian, should become the possession of his heirs; and among the presumed heirs is Alfred (Aladar) of the Counts Széchényi: 'therefore, my father wanted and decreed that I should be the wife of Alfred (Aladar) of the Counts Széchényi.'" Thus, Natalia stated in the petition submitted to the Court of Veszprím. Prior to this, there was a civil trial, begun in August 1904, in which Natalia obtained what she desired, namely, a divorce, which they call a civil divorce. However, contrary to the opinion of the Court

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of Veszprím, the judgment issued on December 4, 1907, did not favor the plaintiff, because the marriage was declared to be valid. The judge considered that the fear was not sufficiently proven, and furthermore, it is noted from the records that it is not cer-

[*Latin ed. p. 109*]

The Roman Rota. In 109 cases, a marriage was found to have been initially invalid, and to have remained invalid throughout nearly three years of marriage, especially at a time when, with the father deceased and violent threats ceased, the conjugal life was continued with the husband. Natalia instituted a suit, and a second judgment was issued in the Metropolitan Court of Strigonia, declaring that "the force and fear unjustly inflicted upon the actress had rendered the marriage null from the very beginning; and that, moreover, the marriage had remained null throughout the entire marital period; therefore, the judgment of the first instance is revoked." The Assertor of the Marriage Bond, as the law requires, appealed to the third instance, which was decided by the Primatial Court of Strigonia, and a judgment was issued declaring the marriage to be null from the very beginning, and also to have remained null from the very beginning, constantly persisting in its invalidity. As the Cardinal Primate reports in his letter of January 20, 1910, addressed to the Most Reverend Cardinal of the Secretariat of State, both the Metropolitan Court and the Primatial Court reached a unanimous judgment. Nevertheless, the Defender of the Marriage Bond did not acquiesce in these judgments, but considered it his duty to appeal to the Holy See; and indeed, he did appeal. Subsequently, the Court of Sabaria was dismissed for a new examination of the case, and this, as the Most Reverend Primate notes in the aforementioned letter, "examined the difficult question with great care, with the utmost faith and diligence." In truth, a new examination of the witnesses was carried out, and with no less skill and diligence, the execution of the decree of the Sacred Congregation of June 17, 1909, was pursued, ordering that certain new witnesses be subjected to examination; but in vain did the zeal of the Court cease, because only Baroness Dora Pereira responded to the summons, and she was scarcely informed about the facts in dispute, while the other witnesses excused themselves from appearing, especially because they affirmed that they knew nothing about the matter. Then, on December 13, 1909, a judgment was issued which "approves and confirms the judgment of the third instance, by which the judgment of the first instance is revoked and the marriage is declared null from the very beginning." However, such a judgment could not have the force of absolutely defining the disputed matter, because the Most Blessed Father, on June 9, 1909, through a letter from the Cardinal of the Secretariat of State, had signified his will, namely that the judgment pronounced by the Court of Sabaria would not be the final and absolutely definitive one, where it pleased the Most Holy to institute a further judg-

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ment. Indeed, the Most Holy deemed it necessary to re-examine this case, which the Most Reverend Primate calls the most difficult in the aforementioned letter, especially ”because of new information received concerning the particular circumstances pertaining to this case” (so in the letter of the Cardinal of the Secretariat of State).

[*Latin ed. p. 110*]

110 Acta Apostolicae Sedis. - Official Commentary. June 9, 1909) and entrusted this matter to the Sacred Office under the clause ”ut omnia fiant.” Today, the question is presented under this form of doubt: ”Does a nullity of marriage exist in this case?” In resolving this question, with regard to the facts and concerning the evidence to be considered, the Fathers noted the following: 1.° The conjugal life lasted almost twenty years, and from the death of the father of Natalia, which occurred in 1891, almost twelve years; during this time, Michael, the youngest son, was born (in 1895). All conjugal communion was broken in 1904 by a so-called civil divorce, obtained by Natalia not out of fear, but out of the cause of the husband’s abandonment. Natalia testified that she delayed her action in the ecclesiastical forum because she was ignorant of the causes of nullity of the marriage; and therefore, in good faith, she alleged a different cause in the civil forum, one that was easier and more expedient for her intention. However, after considering everything, it does not seem that the Actrice’s testimony should be denied, because it is rare that women are aware of these canonical causes of nullity in marriages. 2.° The Veszprém Tribunal, which initially handled the matter with the utmost integrity, was led by the rule that relatives and family members are considered suspect in their testimonies due to their excessive moral interest in the case; and for this reason, as it is permissible to infer, the Actrice’s sisters and other relatives were not called to testify. However, the mother, being hindered by infirmity (and to whom a written statement was to be received at home), has a declaration recorded in the proceedings, made during the earlier process, which was not confirmed by an oath. For this reason, the Sabaria Tribunal was compelled to initiate a new process. 3.° From the entire course of the case, it emerges that a great deal of interest was aroused, which influenced the progress and outcome of the case. This happened not only because the families involved hold a prominent position in Hungarian society; but also because the reasons for the current controversy are those that concern the intimate family state, and bring into the open domestic affairs that are more secret and not laudable. This made it a difficult task to uncover the truth, and the Primate, after four diligent and scrupulously conducted judicial proceedings, calls the case ”the most difficult” in the aforementioned letters. It is relevant to mention what the Sabaria Tribunal stated, which professed that it felt ”the influence of these circumstances hindering the proper ascertainment of some facts connected with this marriage.” These

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circumstances are: "I. Aladar, Count Széchényi, although repeatedly cited, although the President of this Tribunal has repeatedly promised it verbally, although in this process he himself and through his letters, is the most..."

[*Latin ed. p. 111*]

The Roman Rota states: "He [the witness] declared himself interested; nevertheless, he consistently refused to provide testimony, and although he again promised, verbally, that he would gladly present his views, he simply refused to answer the questions put to him in writing; indeed, in a letter dated July 5, 1909, he stated that he would firmly oppose the examination by brothers and relatives, in accordance with the resolution of the Sacred Congregation of Rites dated June 19, 1909." Truly, the aforementioned judgment notes that the same witnesses who refused to provide testimony are those who, in one way or another, directly or indirectly, caused complaints to reach the Roman See, denouncing the proceedings and requesting that new witnesses be heard. - However, this is not in accordance with the truth, and this will be noted later.

4.° Of these witnesses questioned according to the instructions of the Sacred Congregation of Rites, one was subjected to examination, namely, Lady Dorothy Baroness Pereira, who, however, due to being deeply preoccupied, or due to a fervent interest in the parties involved, or due to other prejudices, is said to have refused to provide testimony; indeed, when asked, by order, "What is your opinion as to whether this marriage was contracted under duress?" she replied: "My personal opinion is that no violence was used." But how does she dare to assert this, if she is ignorant of the facts asserted by other witnesses? Furthermore, such a question was not to be put, "because it is certain in law that witnesses do not testify to their judgment and credibility" (decisions 299, no. 3; decision 371, no. 6; decision 589, no. 2, part III, among Recent Decisions). "For the duty of a witness is to testify about facts known to him, not to judge" (decisions 285, no. 8; decision 34, no. 22, part IV, vol. II, among Recent Decisions). Therefore, in judging the validity of this group of witnesses, who are voluntarily withdrawing from the judicial proceedings, we recall the saying: "From one [witness], learn all." In truth, these witnesses, brought forward as the wealthiest witnesses to refuse to make an accusation, have given a very probable reason, namely, "that they could provide no information about the marriage in question and could shed no light on it" (as asserted in the judgment of Steinamanger).

5.° Regarding the conduct of Lord Aladar Széchényi, the Lords have noted that he stated that it was more conducive to his honor and dignity to remain silent. He wrote in a letter dated December 5, 1909, in which he implored that he should not be involved in preventing his brothers and relatives from testifying in this case. "How can my brothers and relatives

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be disturbed and troubled in a case that has nothing to do with them?"

[*Latin ed. p. 112*]

"Acta Apostolicae Sedis. - Official Commentary. "Does this pertain? And how can it be reconciled with my dignity, since I, who am to be judged by brothers and relatives, have maintained silence in a case in which I myself believe silence should be observed, and I have not even named them as witnesses? I can also foresee that if I were to reveal my thoughts, I would inflict harm on those who wish to obstruct the solution of the marriage in any way." Thus, it is clear that they do not wish to oppose the dissolution of the marriage, but rather desire it. But then, why do they not testify about the facts asserted by other witnesses? The answer lies in the preceding words, in which he does not want his relatives to testify in this case, which certainly does not redound to his praise and glory. For it is a bitter and harsh thing for a man to be compelled to assert in court that he took a wife under duress, whom he has always considered to be alien to him, and who is now only joined to him by a civil, as they call it, bond with his cousin, Bartelau Széchényi. Especially since, if the groom and his relatives had presented their testimony, they would, albeit unwillingly but necessarily, have had to testify about the cruelty of the groom towards the woman. All the more so, since there are several other witnesses who testify about his cruelty towards his wife. And if the domestic events asserted in the process did not at all correspond to the truth, these would be so injurious to him, to his family, and to his son-in-law that, as can be presumed, Aladar would have vehemently refuted them in court. Therefore, it is clear that there is no solid foundation for the assertion of Lady Pereira, who, as she herself testified, is ignorant of the whole affair, but recounts it from hearsay: "I heard that he had made a promise to his cousin Bartelau Széchényi, not to oppose the divorce in any way." This kind of conjecture, this presumed agreement, is diametrically opposed to the sentiments that Aladar expresses and proclaims in the aforementioned letters. Having noted these things regarding the facts and the main aspects of the dispute, with regard to law and merit, the Fathers first considered that marriages, in order to enjoy full freedom and security, must be able to exist only with the free consent of both parties (c. 5, de bigam. I. 30, de R. I, G. 14, de spons. et matrim.). Therefore, according to the Sacred Canons, marriages entered into by force and by serious fear, which is an external and free cause to extort consent to the marriage, are invalid, according to chapter 14, 15, title I, book IV, Decret. This canonical provision is deservedly extended to even reverential fear, if something else is added to it, e.g., importunate prayers, quarrels, vexations, and the like (D'Annib., vol. Z, page 138, ed. III; Gaspar, de matrim, vol. II, page 54, ed. III). This has also been declared repeatedly by the Sacred Congregation of the Council and by this Holy Order, as in the Parisien of

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February 26, 1910, and also in the most recent Parisien, March 13, 1911.

[*Latin ed. p. 113*]

The Roman Rota. 113 In this matter, the Fathers observed that the Countess Natalia had been pursuing another man, the Count of Harnancourt, and had therefore rejected the marriage with Aladar, which had been arranged for her by her father. "I refused," the Countess confessed, "because I was inflamed with love for another." Therefore, she protested that she did not love Aladar, and that she would never enter into a marriage with him; indeed, she declared that she would rather die than submit to her father's wishes, and, shedding tears, she resisted as much as she could, and until the very last moment, she protested that she vehemently abhorred these nuptials. Since the aversion of the Countess's mind from the proposed marriage is evident, and since her contrary will in this matter is established, violence is presumed by law, and the essential freedom required for the contract is violated, as the Rota held in the case of Ludovico, decision 326, paragraph 7: "...by drawing a parallel from excessive aversion and repugnance of the mind..." which, as they state, "in the case of the Marchioness, is so alien to the proposed marriage." If someone, § many, ff. on relegation and expenses, thus turns away from contracts. This presumption of law was deemed to be more strongly applicable in this case, because the witnesses also reported that the Countess's father had a character such that his will was an absolute law to which no one could contradict, and that he would obtain whatever he wanted, by whatever means. "Count Emanuel accomplished whatever he wanted; he was not called 'iron man' for nothing," said the witness Jolantha Szentmiklóssy; or, as testified by Lady Fischer: "He was a true tyrant, and he would not tolerate contradiction; that is, he was so harsh... that if heaven and earth were to be mixed together, whatever he wanted must be done." And because Count Andrassy, as all the witnesses confessed, was imposing the marriage of Natalia with Aladar, motivated by a great advantage that his family would derive from the inheritance of which Aladar was the heir. Therefore, to such a man, proposing the marriage for such a reason, Natalia, his daughter, either had to obey against her will, or she had to endure his perpetual anger if she did not obey. Indeed, the mere enduring anger of a parent so promotes the freedom of the child that consent is considered to be lacking in law (Sánchez, De matrim, disp. VI, n. 14; D'Annib., Summ. 1.1, § 14), because he who endures coercion from a parent suffers a much greater pressure, for the sake of reverence and affection; and therefore, any danger, if joined with reverence, damages freedom, as the Rota held in the case of Royas, decision 491, paragraph 8: "...in these terms, the fear of reverence is sufficient, joined with the danger of a serious evil, arising from the mere anger of a parent." But in this case, it is not merely a question of reverential fear, but of ACTA, vol. IV, vt. 3. -

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[*Latin ed. p. 114*]

114 Acta Apostolicae Sedis. - Official Commentary. They judged that, in the case of a man of steadfast character, this constituted a direct and conclusive proof of coercion, and this judgment was confirmed by the facts. For it was conceded that Natalia was of a most stubborn nature; therefore, she did not yield to her father's will simply out of reverential fear, as held by the Rota in decision 105, n. 3, part. Recent: "due to the father's continued importunity and constant prayers and imprecations"; but the point in question was "fear present, urgent, arising from threats that are not difficult to bring about," as considered in decision 154, n. 6, part. XIV Recent. Indeed, the father forced his daughter into marriage through absolute commands, harshness, and cruelty, through threats and beatings. The Baroness Fischer recounts: "I knew Natalia's feelings towards the Count, and I knew that she would not easily change her mind. When I asked Count Corniti (the father) what Natalia said about the wedding, I received the following response: 'I do not ask my daughter about this; this marriage is for the greater good... I want and desire it.'" Ludwig Wagner reports: "Count Emmanuel spoke these words with great and forceful emotion: 'You must marry him; otherwise, I will have you confined to a convent and disinherit you.' I myself saw and heard when the Count locked his daughter in her room and said: 'You will stay here until you declare that you will marry Aladar, because you must consent.'" The actress adds: "My father said that he wanted to place me in a room of lovers, which I greatly feared because my father was very cruel." These accounts are corroborated by the witnesses Baroness Fischer and Augustine Speczian. The witness Joanna Szentmiklóssy testified about the father: "He himself told me that he would break his daughter's neck if she did not seize such an opportunity. He also beat his daughter... I did not see her being beaten; but I heard from family members that she was beaten with whips." And the witness Ludwig Wagner adds: "I myself saw the Countess being beaten by her father... I saw with my own eyes the Countess being beaten by Count Emmanuel for this marriage." Indeed, such actions demonstrate such gravity that, in the eyes of those present, even the mind of a man of steadfast character could not fail to be disturbed. Hence, it is not surprising that the actress's mother wrote a letter, entirely in accordance with the truth, stating that her daughter, Natalia, was "truly forced by my deceased husband, Emmanuel, to marry Aladar." And it is entirely believable that the witness Speczian recalls that Count Emmanuel Andrassy said to him: "See: I regret that I forced my daughter to marry Aladar, but I intended the good." Indeed, such fear is said to affect a man of steadfast character, according to decision 196, n. 8 et seq., part. IV, vol. 1, and decision 516, n. 8, part. V, vol. II, Recent. Certainly, entering into

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marriage requires, by its very nature,

[*Latin ed. p. 115*]

The Roman Rota. Full consensus, complete freedom, and security, "lest anyone, through fear, should say they love what they hate, and thus bring about an unhappy outcome which often results from 'forced marriages'," as stated in chapter 14, concerning betrothals, and as commented upon by several Holy See decisions, such as decision 246, n. 6, part III; decision 38, n. 1, part XIV. Recently. Furthermore, as an unhappy outcome followed, so too did it arise from a root of non-free consent. Therefore, it is clear that the father's fear was not only grave, but also unjust, because Natalia was compelled to marry someone she hated: and this constitutes the injustice of the fear. For, according to divine and ecclesiastical law, children are not bound to seek the consent of their parents when entering into marriage, nor are they compelled to follow their will. Marriage, as stated in decision 493, n. 30 seq., part IV, volume II, "must not depend on the will of anyone; and it must be free from any coercion." (Decisions 242, n. 13; decision 346, n. 7, part XIV. Recent.). If the father intends a good outcome, either for his children or for the parents, his intention may be the best before God and men; but the fear, insofar as it harms the freedom of the children in contracting marriage, wounds their right and becomes unjust, and thus becomes a cause for the nullity of the marriage, if it is grave. The Lords could not be persuaded to consider the revalidation of the marriage based on the long cohabitation of the spouses, almost twenty years, and on the subsequent union and procreation of four children. For the fear in the present case, which has so many witnesses who have recounted the facts, is undoubtedly public in the legal sense; and it was public at the time of the marriage, which therefore suffered from this defect before the Church. Therefore, it had to be remedied before the Church itself, through a repeated solemn form according to the Tridentine rite. This is not doubted today, according to the declaration of the Holy Penitentiary, given by authority of Pope Pius V, as cited by Benedict XIV, question 317, and Institutiones Ecclesiae, 87, n. 62. He also writes: "If a marriage has been publicly entered into before a priest and two witnesses, and an impediment has also been publicly known, the same marriage cannot be lawfully confirmed, unless consent is again given before the priest and two witnesses." And I. ibid., n. 63. "This was decreed by the Holy Penitentiary with the authority of Pope Pius V, as Navarras states... and this is also confirmed by the Sacred Congregation, as Fagnanus states... Furthermore, since the Auditors of the Holy Rota had raised doubts about this matter, Cardinal Carafa, Prefect of the Congregation of the Council, summoned two of them, namely Seraphinus and Comitulus, and showed them the decrees made by the Sacred Congregation on this matter, which were in accordance with the instructions of the Holy Penitentiary and the declaration of St. Pius V. Regarding this matter, the Fathers of the Sacred

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Rota subsequently followed the aforementioned reasoning, shortly before the judgment.

[*Latin ed. p. 116*]

116 Acta Apostolicae Sedis. - Official Commentary. "constanter fuerunt." Furthermore, Cardinal Gasparri, in *De Matrimonio*, volume H, number 1419, edition III, states: "Likewise, the Holy Congregation of [Holy] Councils in Palermo reported on September 30, 1719: 'The Holy Congregation has frequently responded that, after the Council of Trent, a marriage contracted under fear is not valid, unless it is contracted again, using the same form of the Council; but if the fear is removed by cohabitation with carnal intercourse and other acts, it is not made valid unless it is contracted again, using the same form.'" He continues: "This is confirmed by the jurisprudence of the same Holy Congregation, which, when fear is proven, declares the marriage null, even after a long period of cohabitation and the birth of several children, without any concern for whether there was a private, express, or tacit consent." Having considered these matters, the Most Reverend Fathers judged that the exception to suspicion raised by the Defender of the Bond against all acts of the process was not effective, especially because the witnesses, cited by the authority of the Holy See itself, refused to appear in court; and the reasons for their excuse, having considered the circumstances of the case, were deemed sufficient to explain their defiance, although this is certainly not proven, since their conduct is contrary to the rules of law and to the due obedience to Ecclesiastical Authority. Furthermore, it was noted that the testimony of these witnesses should have been more thoroughly investigated, since they were considered to be witnesses summoned by duty by the Holy Congregation itself, by the authority of the Most Holy Pope Pius X, and the Holy Congregation of Councils, not once, even in recent years, has postponed a decision, even when the witnesses brought by the parties seemed to completely prove the matter, with the understanding that witnesses summoned by duty should be heard, as in the case of *Parisien, Matrimonio*, in July 1897. - Similarly, the Fathers judged that, considering all things, the cause of the witnesses' defiance could not be attributed to a desire to collude with the Plaintiff, or to conceal her actions; but rather, because in truth, they either did not know of such actions, or they were too burdened by confirming them in court. Furthermore, it is not in accordance with the truth that the Curia Sabariensis claims that it itself provoked these witnesses to appear in court; for it is known to the Most Reverend Auditors that they were summoned in court from elsewhere. It is also falsely stated that it is unbelievable that Natalia lived an unhappy life with her husband for almost twenty years and did not seek to free herself from him, except after her husband abandoned her. But Natalia could not free herself from the conjugal life while her father was alive; for he was constantly opposed to her. After her father's death,

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and after a year of mourning, the request for a divorce was not granted because of the infirmity of the Plaintiff's mother; because of the Plaintiff's affection for her son George, who, being weak, needed material assistance; because of the opposition of the Plaintiff's brother, and, finally, in order to resolve the family's affairs.

[*Latin ed. p. 117*]

The Roman Rota. 117 Having obtained a civil divorce, it is not surprising that Natalia requested her own Advocate to inquire as to how a divorce could also be obtained in our forum. Women are not accustomed to knowing the causes for the nullity of marriages. And it should be noted that, after the Advocate had enumerated a series of impediments, the Plaintiff stated that her marriage was null and void due to force and fear; thus, she clearly knew that she had entered into the marriage itself under the influence of fear. All other matters pertaining to Natalia are omitted, as regards the theory under which the Court of Veszprém proceeded in not admitting witnesses who were related and consanguineous, due to their excessive moral interest in the case. The Fathers considered that, in these matrimonial causes, consanguineous and family members are admitted, and sometimes even preferred to external witnesses, because domestic facts are presumed to be better known by them than by others. But if there are no testimonies from consanguineous persons in the process, the faith of the process is not weakened, provided that there are trustworthy and informed external witnesses, as the Rota held, in decision 147, n. 4, part I; decision 315, n. 1, part V, vol. I; decision 292, n. 3, and decision 293, n. 5, part VIII, and decision 115, n. 13, part VII, Recent. Finally, with regard to the fact of the denied testimony of the husband and his relatives, the Lords considered that, in matters of law, whatever their intentions may be, the rule should be followed: "That more credence should be given to two witnesses who testify of fear, than to a thousand who deny or affirm of their own free will..." For those who testify of free will, as it were, testify of the mental and invisible act, which is known only to God; while those who testify of fear, attest to threats and torments and similar things, which are perceived by the senses of the body. This opinion is considered to be true, even if a single witness testifies of fear, because more credence should be given to him, than to a thousand who deny or affirm of their own free will," as Mascard states, in De probat, conclus. 1057; Sánchez, De matrim. I. 1, disp. 27; and the jurisprudence of this Holy Order confirms this, as in decision 301, n. 31, part XI; decision 212, n. 9 and 11, part XIV, Recent. The Lords did not consider that the faith of asserted facts should be denied, even if one of the witnesses contradicted himself, as was the case with the witness Wagner, who, while in the first process, asserted that the father had not beaten the daughter, but on the contrary, in his final testimony, said: "I myself saw the Countess being beaten by her father"; and from this, the

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same witness appears to be perjurious. For the testimonies of others are concordant and sufficiently conclusive, and Wagner himself provides a sufficiently probable reason for his previous silence, saying: "It is clear to me, with respect to Lord Count..."

[*Latin ed. p. 118*]

Acts of the Apostolic See. - Official Commentary. 118 "subsequent to the family, having spoken to no one about this matter." This course of action, of course, is not to be commended; but it is worthy of note that in the entire case, this sentiment dominates both the witnesses and the parties, namely, the fear of damaging the honor of the principal families involved in the present judgment, should the truth be revealed without reservation. Having carefully considered all of these things, invoking the name of Christ, We, the undersigned Auditors, sitting for the Tribunal and having only God before our eyes, decree, declare, and definitively pronounce, answering the proposed question: Affirmative, or: That the nullity of the marriage exists in this case. We decree that the expenses of the proceedings shall be borne by the Plaintiff. Thus we pronounce, ordering the Ordinaries of the places and the officials of the tribunals to whom this pertains, to enforce this our definitive judgment, and against those who resist, to proceed according to the norms of the sacred canons, and especially chapter 3, Session XXV, Council of Trent, using the executive and coercive means that are most effective and appropriate for the circumstances. In Rome, in the seat of the Tribunal of the Holy Roman Rota, on the 2nd day of June, 1911. L.)$(S. Sac. Tancredes Tani, Notary. Michael Lega, Dean Presiding, Guilelmus Sebastianelli. Seraphinus Many. Franciscus Heiner. Ioannes Prior. Aloisius Sincero. Ioseph Mori. Fridericus Cattani. Antonius Perathoner. Iosephus Alberti. Petrus Rossetti.

[*Latin ed. p. 119*]

The Roman Rota. 119 II. ARETINA. PENSION. During the blessed reign of Pope Pius X, in the ninth year of his pontificate, on the 25th of November, 1911, the Most Reverend and Most Learned Fathers, Joseph Mori, Ponens, Frederick Cattani, and Anthony Perathoner, Auditors of Tournon, in the case of "Aretina-Pension," between Donatus Donati, parish priest of the church of Saint Eugenia in the place of Bagnoro, represented by his lawful procurator, the advocate Vintium Sacconi, and Aemilius Marcantoni, curate of the church of Saint Agatha in the place of Saccione, represented by his lawful procurator, the advocate Aloysius Lavitrano, having been appointed by office, rendered the following final judgment. Among the many benefices in the diocese of Aretina over which the noble family of Genteni of Rome enjoys patronage, the parish benefice of Saint Eugenia in the place of Bagnoro and another parish benefice, that of Saint Agatha in the place of Saccione, are mentioned. In the year 1875, in the month

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of March, Henry, from the aforementioned family, presented petitions to the Most Holy Fathers, so that the annual revenue of 100 *lire*, resulting from the *oeconomus* of vacant benefices and from the patronage of the same family, previously belonging to the parish of Monistero, and then, by means of union and suppression, transferred to the parish of Bagnoro, to which it had been incorporated, might be ceded and granted in favor of the aforementioned parish of Saint Agatha, in order to alleviate its poverty: "It has therefore come to pass that, as a consequence of the 'amendment and union already made with the due faculties delegated by the Council of Trent until the year 1857, of the suppressed church of Saint Biagio in Monistero to the aforementioned church of Saint Eugenia in Bagnoro, this [church of Saint Eugenia] has improved its condition by approximately one hundred *lire* annually, received from the aforementioned suppressed church of Monistero, and because it has succeeded to the rights of the same, and resulting from the so-called *oeconomia* of the benefices of the family of Centeni. Therefore, the patron, the Orator, humbly supplicates Your Eminence to deign to award the aforementioned sum of 100 *lire* to the church of Saccione, so that the miserable condition of that very church may be somewhat alleviated, which is truly insufficient to provide the necessary sustenance to its incumbent." The Apostolic See, by a rescript issued on the 16th of April of the same year, through the Most Excellent and Most Reverend Fathers, in which it was decreed "the perpetual cession and union of the annual revenue of 100 *lire* in favor of the parish church of Saint Agatha," granted the petition.

[*Latin ed. p. 120*]

From the Acts of the Apostolic See. — Official Commentary. In the decree of execution concerning the aforementioned matter, instead of determining the transfer or cession and union of said revenue, the Ordinary of Arezzo deemed it sufficient to grant "that a subsidy of 100 livres be imposed on the revenues of the parish church of Saint Eugenia, to which the parish of Saint Blaise of Monistero has been perpetually annexed and incorporated, in favor of the rector for the duration of the parish of the church of Saint Agatha of Saccione." The new parish priest at that time, Peter Gardeti, under the prayers of the aforementioned patron, who had already presented him to the parish, gave his consent in this manner: "I obligate myself to abide by the aforementioned requests, agreeing that the aforementioned benefit, which until now has been enjoyed by the parish of Bagnoro, be granted to the aforementioned church of Saccione, and to this end I will give every appropriate consent in the sending of the aforementioned requests." Subsequently, whether the aforementioned pension or subsidy was paid to the rector of the church of Saccione, Paschali Moretti, until the year 1888, when he died, is uncertain, although Parish Priest Gardeti, now a canon of the Cathedral church, denies it; however, it is not entirely clear,

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as evidence from other witnesses suggests otherwise. Certainly, from that time until the year 1905, when the parish economist of Saccione, Aemilius Marcantoni, resigned, the payment of the pension did not take place, because the administration of the vacant parish of Saccione was first entrusted to the Pleban Gardeti until December of the year 1890, and from that time it was transferred to the current Pleban, Donatus Donati. Upon obtaining the administration of the parish from the new economist, Marcantoni, and in the year 1908, upon discovering the aforementioned grant in the parish archives, he was concerned and, with due recourse to the Most Holy Congregation of Bishops and Regular Canons, urged that the Pleban Donati be compelled, according to the Apostolic Rescript of the year 1875 and the subsequent Episcopal decree of May 12th of the same year, to pay the imposed pension; against this petition, the Pleban raised the objection of the violation and circumvention of the Pontifical Indult, and subsidiarily, the nullity of the Episcopal decree. According to the new order of the Roman Curia, established by the Most Holy Supreme Council, the question was referred to the Sacred Council; and from this Sacred Council, after a report from the Secretary of the same Congregation, it was presented with all the necessary and appropriate means to the Most Holy Royal Tribunal, and subjected to the following points of discussion: I. "Whether and how it can be established that the parish priest of Bagnoro is obligated to pay an annual pension of 100 livres, or another benefit, or a capital sum, in favor of the parish of Saccione in this case."

[*Latin ed. p. 121*]

The Roman Rota. And to the contrary: "Can a new execution be carried out by the Bishop based on the rescript of April 16, 1875, so that this obligation arises 'in this case'?" In the present controversy, three points can be brought up for discussion: 1.° Whether the Apostolic Rescript of April 16, 1875, can be considered obtained through deceit and fraud. 2.° Whether the executive decree of the Bishop of Arezzo of May 12 of the same year is void. 3.° And, in the affirmative sense regarding 2, whether, after so many years have passed, a new execution can now be initiated by the current Prelate. Regarding this, the Most Reverend Fathers observed that the aforementioned rescript was obtained "after prior information from the Ordinary of Arezzo," who testified about the miserable conditions of the parish of St. Agatha and the lack of any harm that would be caused to the parish church from the cession of the aforementioned income: "Considering that the mentioned sum of approximately 100 Lira would be 'completely foreign to the parish of Bagnoro, as indeed it unexpectedly arrived, we gladly recommend it.'" In such cases, when information is presented beforehand, there is a presumption that everything was made known to the Pontiff and that he was not deceived, according to chapter [omitted], § final, on proof, as Lotherius teaches in *De Re Beneficiaria*, book 3, question 18,

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number 12, and elsewhere, our *Summa Theologica* dec. 201, number 2, page 1, among recent works, and in the Roman decree 613 *contra Cursum* number 5. Indeed, if the prayers of the patron of the year 1875 addressed directly to the Apostolic See, and the subsequent rescript, are considered, it is necessary to exclude the alleged deceit and fraud. The patron requested that the income resulting from the administration of vacant benefices, suspended for a decade, and a portion assigned by the decree of the Bishop of Arezzo in 1872, amounting to approximately 100 Lira per year, be granted to the other, poorer parish of St. Agatha of Saccon. The reason given was that the parish of Bagnoro enjoyed an annual income, albeit an unstable one, of approximately 1812.24 Lira, which was sufficient for the support of the parish priest, while, on the other hand, the income of the other parish amounted to only 727.37 Lira, after deductions, so that it was completely insufficient to support the pastor of that parish. The opposing party argued that this presentation was obtained through deceit and fraud, both because the income of the parish, according to the acts of the Visitation, is estimated to be around 1000 Lira, without deductions, and because, according to the civil rule of eightfold calculation on a portion of taxable income, the result is 1151.49 Lira. But these criteria did not appear entirely certain to the Most Reverend Fathers, especially that of the civil calculation based on taxable income, because...

[*Latin ed. p. 122*]

122 Acta Apostolicae Sedis. - Official Commentary. Here, it does not always correspond to the truth; rather, one should adhere to the description of revenues made by the Curia at the order of the Apostolic Dataria in the year 1889, which was reported by the very parish priests themselves. Indeed, the Bishop of Arezzo, in his letters of April 20, 1909, stated the following regarding the revenues of each parish: ”The description of the Curia for ’Bagnoro’ states a revenue of 242 *lire*, and after deducting expenses of 1069.24 *lire*; for ’Saccione’, a revenue of 862.05 *lire*, and after deducting expenses of 263.18 *lire*.” To the revenue of the parish of Bagnoro, from the year 1907, were added annual sums of 310.42 *lire* as a proper supplement, and 135 *lire* for expenses of worship, granted by the government to the current vicar. Furthermore, what definitively resolves all controversy regarding the capacity of the parish of Bagnoro to sustain the imposed burden, is the decree of the Bishop of Arezzo from the year 1857, by which the parish of Monisterio was suppressed and united with the vicarage of Bagnoro. Before the aforementioned decree of union, the aforementioned parish was burdened with a pension of 10 *scudi* in favor of the suppressed parish; but this pension, after the decree of union, was increased to 100 *lire* for a period of ten years in favor of the other parish of Saccione. In the year 1872, by another decree of the Bishop, another revenue of 100 *lire* per year was added to the vicarial church, re-

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sulting from accumulated sums from the *oeconomus*, the benefices of Centeno, and which were to be allocated in favor of the vicarial church of Monisterio, which had already been incorporated. The patron of the Centeno benefices requested that this revenue be united with the parish of Saccione, to which, in any case, another third part of the revenue from the aforementioned administration of the Centeno benefices had already ceased, according to the aforementioned decree. Let us recall the words in the exposition made to the Holy See: "This church of St. Eugenia in Bagnoro has improved its condition by approximately 100 *lire* annually received from the aforementioned suppressed church of Monisterio, and because it has succeeded to the rights of the same, and this results from the so-called *oeconomia* of the Centeno benefices." This sum was requested to be allocated to the parish of Saccione. However, the parish of Bagnoro, before the aforementioned allocation, was not lacking in the necessary means to support its pastor; indeed, its revenues could have been burdened, albeit temporarily. If, therefore, a new revenue of 100 *lire* granted in 1872 in favor of the parish of Monisterio, which had already been incorporated into the vicarage, was then transferred to another poor parish, namely that of Saccione, it cannot be said that by this transfer, the parish of Bagnoro was harmed in its proper portion, which, before the decree of union, as mentioned above, was burdened with a pension of 10 *scudi*, according to the cited letters of the Bishop of Arezzo: "Before Bagnoro was united with the parish of Monisterio, in favor of the latter..."

[*Latin ed. p. 123*]

The Roman Rota decreed, "that a yearly pension of ten scudi be paid," and then this pension, amounting to 100 lire, was granted in favor of the parish of Saccione, as mentioned above. It was not deemed permissible to introduce an argument against the patron's petition regarding the alleged misappropriation, because in the aforementioned documents, no mention is made of the expenses which the parish priest of Bagnoro should have incurred for the maintenance of the resident chaplain in the suppressed parish of Monistero. For this chaplain's obligation was neither initially imposed upon the parish priest Gardeti at the commencement of the parish, nor subsequently, when in the year 1889 he rented the properties of the suppressed parish for an annual sum of 400 lire, as can be gathered from the attached lease agreement. Therefore, it was not necessary to speak of this obligation in the aforementioned petitions, especially since any additional obligation arising from the aforementioned lease agreement would have compensated for the expenses incurred for the chaplain's maintenance. Furthermore, it cannot be said that the parish priest lacked consent, as testified by the Ordinary of Arezzo in the preliminary information provided when recommending the patron Centeni's petition. This is further evidenced by the declaration issued by the parish priest Gardeti prior to the granting

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of grace, which reads as follows: "With the present document, I obligate myself to abide by the outcome of the aforementioned petitions, stating that the aforementioned benefit, enjoyed until now by the parish of Bagnoro, will be released in favor of the aforementioned church of Saccione, and to this end, I give my full and proper consent to the submission of the aforementioned petitions." Nothing is contradicted by the fact that, when this consent was given, the parish priest Gardeti was merely an elected parish priest, and not yet canonically instituted, for as is customary, he stated what he would do at that time: and there is no evidence that he revoked this consent after obtaining canonical institution, since he recently declared that he only intended to retract, in the event that the Apostolic indult had not been properly executed: "The undersigned was not asked for his consent, which he would certainly have refused, if the aforementioned decree had intended to fundamentally alter the requested transfer." Regarding the second point of the matter, the Reverend Fathers, having considered the decree of the Bishop of Arezzo of May 12, 1875, by which the aforementioned rescript was ordered to be executed, observed that it was subject to substantial nullity. For first, the terms of the concession were not observed, but rather the object of the concession was arbitrarily changed, although this occurred through error and good faith. Indeed, the Supreme Pontiff, in response to the patron Genteni's just complaint regarding the allocation of the annual income of 100 lire resulting from the vacant benefices, in favor of the parish of Saccione, graciously ordered the Ordinary of Arezzo "to, according to his own judgment and conscience, grant the cession and union."

[*Latin ed. p. 124*]

The Acts of the Apostolic See. - Official Commentary. "A perpetual annual revenue of 100 livres... for the benefit of the parish of Saint Agatha in Saccione." However, the Ordinary, instead of granting this revenue through cession and incorporation, decided to impose a different arrangement, namely, to burden the parish of Bagnoro with an annual pension or subsidy of 100 livres for the benefit of the parish of Saccione. Thus it is written in the executive decree: "We grant that a subsidy of 100 livres be imposed on the revenues of the same church, to which the parish of Saint Blaise of Monistero has been 'perpetually annexed and incorporated,' for the benefit of the pastor for the time being of the parish church of Saint Agatha." Indeed, how abnormal this execution was from the intention of the Apostolic grant is evident from the following. The pension thus imposed remained a real and perpetual burden on the parish of Bagnoro, and the prescribed sum had to be paid annually. On the contrary, with a granted cession, the parish would remain free, and the stated revenue, invested in public debt securities, could be subject to variations. Therefore, the Bishop of Arezzo, by imposing this pension,

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acted in a manner prejudicial to the parish of Bagnoro, and exceeded the limits of his mandate. Secondly, in the aforementioned Apostolic rescript, a condition was stipulated: "provided that the consent of the pastor of the church of Saint Eugenia, commonly known as Bagnoro, is obtained." The Bishop made no effort to obtain such consent, although it is stated in the executive decree: "We decree that the consent of the pastor of the parish church of Saint Eugenia in the place called Bagnoro is obtained." The pastor, Cardeti, had indeed agreed to the cession of 100 livres, as was seen above; but this is entirely different from the imposition of an annual pension of 100 livres, which he would certainly have refused if he had been asked: "The undersigned was not asked for his consent, which he would certainly have refused if the executive decree had sought to change the nature of the requested cession." Therefore, even in this matter, the Bishop did not observe the form of the mandate. Nor can it be argued that the Bishop was permitted to do so by the words in the Apostolic rescript: "according to his own judgment and conscience." For the matter does not concern a favor to be granted, but a favor already granted by the Holy Father; therefore, the Bishop, as an executor, necessary and not voluntary, was not authorized to exceed the assigned limits. The cited words refer only to a reverential expression towards the executor, and do not confer any discretion or power to vary the made concession, as is taught by the authors De Rosa, De exec. Uter. Ap., p. I, cap. 1, n. 76; Card. D'Annibale, Summula Theol. Mor., Vol. I, n. 222 in nota; Trombetta, Praxeos regula circa contract. re. eccl., cap. 6, n. 3; and as is taught throughout by the Sacred Congregation.

[*Latin ed. p. 125*]

The Roman Rota. 125 cases, as in Rome or Osimo. Subsidiarity. On the matter of dowries, on December 6, 1846, in a section where it states: "If true circumstances are narrated, the clauses are conventional formulas based on respect for the executor, and are not substantial or intrinsic conditions; for they are established either so that the Ordinary may not unknowingly receive the benefit of the arrangement, or so that a performance that is not entirely decent may not be imposed; and indeed, they are used differently depending on the person." However, it is established in law that the execution of a mandate is null if the delegate exceeds the limits of the mandate. "For he who exceeds," says Reiffenstuel, *Ius can.,* book 1, title 29, § 5, no. 101, "appears to be doing something else." Thus, an act is null if the form of the mandate is not observed in any substantial respect. An execution carried out contrary to the form of the mandate must not be considered at all, as the Rota, before Benincasa, decreed on December 18, no. 15; and this is explained more fully in chapter 22, on rescripts, where it is declared that acts contrary to the form of a mandate are void, a point extensively commented on by Barbosa in his collections of Doctors. Furthermore, the

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Fathers of the Rota could not admit, as the lawyer, the official defender of the curator oeconomus Marcantoni, contended, that the form of the Apostolic rescript was observed at least in substance, or that it was fulfilled by equivalent means, in the aforementioned execution decree of the Bishop of Arezzo. For it is falsely asserted that decrees imposing a subsidy or pension of 100 *libellae* per year on the revenues of the parish of Bagnoro can replace the cession or union of the revenues definitively resulting from the administration of the vacant benefice of Gentena; firstly, because, according to the Apostolic rescript, the true division of revenues is made in favor of the aforementioned parish of Saccione, while, according to the execution decree, this is not the case, but only so that the burden remains with the parish. But secondly, the imposed pension is detrimental to the parish of Bagnoro, which, according to the execution decree, would be forced to pay 100 *libellae* each year, while, on the contrary, the revenues from the aforementioned curator, being invested in public debt securities, may be subject to eventual diminution due to the increase in taxes affecting them, and thus the amount to be paid may be reduced, as it has been reduced, and will undergo another reduction due to the increase in the tax on movable property. Therefore, it cannot be said that the form of the rescript was observed. Therefore, what Barbosa teaches in *I. c.* in the summary of the text (*contra formam*) should be applied here: "It is noted for this purpose that a process carried out contrary to the form of the rescript, even in the slightest degree, is invalidated, according to Tiraq., *De tractatu lig.*, § 1, gloss 22, *Caputaquen.*, decree 143, no. 5, p. 2, rec., where no. 2 states that the form of the rescript must be fulfilled precisely and punctually, and not by equivalent means."

[*Latin ed. p. 126*]

126 Acta Apostolicae Sedis. - Official Commentary. The statutes, previously valid, of the Apostolic rescript and the subsequent executive decree of the Bishop of Arezzo, having been declared null and void, the Reverend Fathers turned to the third point of the question, which is contained in the second formula of doubt, namely: "Can a new execution be carried out by the Bishop through a rescript of April 16, 1875, so that this [new execution] arises from it?" Regarding this matter, the Reverend Fathers considered it necessary to keep the following in mind in law. It is known that rescripts are divided into rescripts of justice, or concerning legal matters, and rescripts of grace. These, in turn, are of two kinds; for they either contain a grace already granted, or a grace to be granted. As Cardinal D'Annibale observes, in the work cited, vol. 1, no. 222, "this distinction is not derived from the matter itself, but from the will of the one granting [the grace]; for it is not said that a grace has been granted, when it has been given freely and without request, but when he who grants it, either by himself or through another, approves of the petition." Therefore, in order to know which it is, it

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must first be considered whether the principal himself grants it, or whether he remits the granting to another, or, as they now say, whether he grants it in a gracious form, or in a commissary form. When he himself grants it, it is understood to be a grace already granted to him to whom it is granted. When he remits the granting to another, it is understood to be either a grace already granted, or a grace to be granted: it is understood to be already granted, if he appoints him to whom he entrusts the granting as a necessary executor; but if he is voluntary, it is considered to be a grace to be granted. "Whether he has appointed him must be determined from the words of the mandate or rescript." In the present case, although the Apostolic rescript is in a commissary form, there is no doubt that it contains a grace already granted, as it emerges from its very tenor: "His Holiness, having heard the report of the Ordinary of Arezzo, benignly approved and, therefore, ordered that the same be entrusted with the task, that, provided that the consent of the parish priest of S. Eugenia, commonly called al Bagnoro, is obtained, he may, according to his judgment and conscience, grant the perpetual cession and union of the annual revenue of 100 florins." Therefore, the Ordinary of Arezzo is constituted only as a necessary executor of the aforementioned rescript, and not as a voluntary one, notwithstanding the clause "according to your judgment and conscience," and the added condition of requiring the consent of the parish priest, as has already been explained and as Cardinal D'Annibale teaches, I.c. in note no. 5. Nor can it be maintained in this case that the grace already granted has become void through an invalid execution of the mandate by the executor, because it is not a matter of a grace to be granted, but of a grace already granted, which, according to the saying "the prince's benefit ought to remain," is perpetual in itself, and to which a certain quasi-right to the thing has been acquired by him who has obtained it.

[*Latin ed. p. 127*]

The Roman Rota. 127 Thus, concisely, Cardinal D'Annibale, *loc. cit.*, states: "There is a distinction between 'grace granted' and 'grace to be granted,' because through the former, a certain kind of right to 'the thing' (the grace to be imparted by the delegate) is acquired; through the latter, absolutely none; therefore, the former does not expire with the resolution of the giver's right, but this does expire, namely, with the completed action." See also Reiffenstuel, *loc. cit.*, no. 250. And this is justly so, both because it is not equitable that anyone should be deprived of a grace obtained through the negligence or fault of the executor, and because the power of the executor, once the grace is conferred, is perpetual, and this is not diminished by any action on his part: according to the rule of law, that which is legally null cannot produce any effect. De Rosa, *De executionibus litterarum Apostolicarum*, p. 1, cap. 10, no. 1, states: "It can be said that the power of the executor to execute Apostolic letters

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containing graces is not limited by any period of time, because, since the grace is perennial, the executor's power, which is necessarily given to confer the grace, must also be of such a nature, so that the principal grace is not rendered illusory by its accessory, according to cap. if concerning the grace of office, in 6° and all the more so since the grace is conferred." Then, the same author, in no. 31, *cit.*, inquires whether an executor who has improperly executed Apostolic letters can execute them anew and proceed from the beginning, and he answers: "In this question, I would say that if the executor proceeds as a mixed executor, observing the order of law and with knowledge of the cause, and then pronounces either rightly or wrongly, he cannot further involve himself in that business, because by the pronouncement of the judgment, his jurisdiction has already expired, and the party who feels aggrieved must appeal to a higher legal authority and present his rights before it; and this applies whether he has judged wrongly in law or in fact. But if the executor proceeds as a mere executor, and then, since we are in extrajudicial matters, if he has erred in fact, he can review his error and re-examine the matter. Just as if the executor has omitted to execute something that was entrusted to him in the letters, he can supplement it." And this theory is supported in the additions to this chapter by various decisions of the Rota: "Add, decis. 82, no. 13, p. 19 *inter recen*, in which it was stated that the executor can execute the letters anew from the beginning if the execution has previously been completely null, and in Emum Cerro, dec. 884, no. 4, and this article is widely treated by P. Fragos., vol. 1, no. 4, dis. 10." According to the author cited in c. V, no. 2, 3, p. 1, a mixed executor is always considered such when the Pope does not grant the grace, but entrusts its granting to the executor; but when the grace is conferred, the executor is of his own nature a mere executor, since only the execution of the act is entrusted to him, or, in other words, he is a necessary executor. Applying, therefore, the above.

[*Latin ed. p. 128*]

128 Acta Apostolicae Sedis. - Official Commentary. The Reverend Fathers concluded that nothing prevents the current Ordinary of Arezzo from proceeding with the new execution of the Apostolic rescript. Nor should it be argued that, for more than thirty years, the prescribed execution of the Apostolic letters has already elapsed; for here, we are not dealing with a private or particular interest, but with a matter concerning the good and benefit of the parish church, to which the negligence of pastors should not cause prejudice. Regarding the statement by De Rosa in the cited addition: "We stated that the execution of Apostolic letters is prescribed after a period of 30 years, understand this in terms of the means of execution, for Apostolic letters, although they have executive force in themselves, nevertheless lose this privilege after 30 years have elapsed, because within that time, the means of execution become prescribed. But this conclusion is limited,

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and applies only when the letters were granted in favor of a particular person, to whom their own negligence in seeking their execution should be detrimental; otherwise, when the letters were granted in favor of the church or a dignity. In this case, the negligence of one cannot harm successors. Rota in d. de. 342 apud Cerro, where the decision 144 apud Coccinum is cited." Greater consideration should not be given to the invoked exception of extinctive prescription or liberative prescription, because since 1875, the time when the Apostolic rescript was obtained, the stated revenue from the vacant benefice of Centeno has never been paid, as the former parish priest Cardeti, now a canon of the cathedral church, declares under oath: for, although some witnesses presented by Marcantoni contradict this testimony, claiming to have heard that this payment had taken place, it is easily observed that this prescription cannot be admitted, first, because the necessary time for prescription has not elapsed, since from 1875 until 1888, when the parish priest and administrator Moretti of the parish of Saccione died, only 13 years had passed, and then, until 1905, as the Arezzo Curia testifies, the parish returned to the administration of the parish priest of the place Bagnoro; secondly, because, given the nullity of the executive decree, the action to demand it had not yet arisen, and therefore, prescription could not run, since an action that has not yet arisen cannot be prescribed. Therefore, from the foregoing, it is sufficiently clear that the Apostolic rescript is valid, and that its execution has not been properly carried out, nor does a past execution prevent a new one, because we are not dealing with a grace to be done, but with a grace already done; therefore, nothing remains except that the current Ordinary, as soon as possible, fulfill the mandate of the Pontifical Commission, observing the terms of the rescript in all respects. With the proper execution of the aforementioned remission, the parish priest of Bagnoro...

[*Latin ed. p. 129*]

Saint Montana Bota remains obligated and is declared to be responsible for paying the stated sum, but since it has been reduced according to the Italian public debt records in which a portion of the aforementioned capital was invested: neither can the parish priest Donati be bound by this, since the title is nominative, that is, inscribed in the name of the parish of Bagnoro, and the burden imposed by the Pontifical rescript does not apply to the present administration, and during the vacancy of the parish of Saccione, the administrator of vacant benefices never collected this type of revenue. Finally, the Reverend Fathers state that the imposition of an annual pension of 100 lire, made in the aforementioned execution decree, cannot be said to have been legalized or confirmed by a public instrument of October 29, 1890, stipulated between the patron Genteni and the aforementioned parish priest Donati Donati, as claimed by the administrator Curatus Marcantoni and his official defender, and in which the following is

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read: "Finally, the Reverend Father D. D. Donati 'further obligates himself, after being invested with said united benefices, to pay to the parish of S. Agata in Saccione an annual payment of 100 lire, as he also obligates himself for the regular administration through a chaplain, all as was established at the time of the transfer of said benefice to the rectory of Bagnoro.'" These words, and especially the last ones, refer to the Episcopal decree of February 3, 1872, in which, after mentioning the incorporation of the parish of Monistero into the plebeian parish, it is stipulated that half of the revenue from the administrator of the benefices of Centeni, the appropriate portion previously assigned to the patron, shall be ceded in favor of the parish of Saccione, the other in favor of the incorporated parish of Monistero. This last revenue, then amounting to approximately 100 lire, was later, by an Apostolic rescript of 1875, distributed in favor of the parish of Saccione: and thus, the two aforementioned portions from the aforementioned administrator remained assigned to it. The execution decree of Arezzo incorrectly converted the last assignment into a fixed annual sum of 100 lire, but erroneously and beyond the limits of the accepted mandate. Truly, the parish priest obligated himself in the aforementioned instrument to pay that sum to the parish of Saccione, as if it were to be paid if the parish of Monistero were separate and the Apostolic rescript had not intervened. Therefore, it cannot be said that a new obligation was introduced, and if, by absurdity, this could even be deduced, it would not subsist, since it is based on an execution decree that suffers from nullity, as has been shown on other occasions. After considering and diligently examining all of these facts and legal matters, and invoking the name of Christ, We, the undersigned Auditors sitting for the tribunal, declare, pronounce, and definitively sentence that the answers to the proposed questions are: To question 1: "Provided in 2.°" To question 2: "Affirmative, or it is the place."

[*Latin ed. p. 130*]

130 Acta Apostolicae Sedis. - Official Commentary. Regarding the new execution to be carried out by the Bishop, a decree of April 16, 1875, according to which the payment will then be made. Thus we pronounce, commanding the Ordinaries of the places and the ministers of the Tribunals, to whom it pertains, that they order the execution of this our definitive sentence, and that they proceed against those who resist, according to the norms of the Sacred Canons, and especially chapter 3, Session XXV, concerning the Form of the Council of Trent, employing the executive and coercive means that will be more effective and appropriate for the circumstances. Rome, on the 25th of November, 1911. Joseph Mori, Pontiff. Frederick Cattani. Anthony Perathoner. Sac. Tancredes Tani, Notary. LETTERS I. TO THE MOST REVEREND FATHER JOHN A. CHOLLET, BISHOP OF VIRODUM, AS A TESTIMONY OF DEVOTION OFFERED TO HIS HOLINESS. Monsignor, Our Holy Father, Pope Pius X, received with very great

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satisfaction the book which Your Eminence has offered to him, and which is entitled: "The Children - A Question of the Present Time." The Supreme Pontiff greatly congratulates you for having, with eminent knowledge, in a very clear and precise language, so opportunely expounded the serious problems of the school question, the responsibility of children, the reciprocal rights of parents, the Church, and the State, in matters of education. To this faithful exposition of the doctrine of the Church, you have added an excellent study on the age of admission to First Communion. Writing occasionally for your priests, you have expressed the requirements of Catholic conscience and morality, the duties.

[*Latin ed. p. 131*]

Secretariat of State. 131 measures are imposed upon all in the present circumstances, conforming entirely to the directives of the Holy See in these important matters. It is by following the precepts and orders that you so aptly recall that the desired result will be obtained, through all contingencies which must not harm the unity of command, this indispensable condition of success. Your heart, as a Pastor, is rightly concerned about this. May your excellent work, according to the wish that you express in the Preface, be a messenger of doctrine and method, for the defense of the grave interests of education, which has multiplied difficulties before Catholic consciences, and has created new obligations for families, children, and pastors. With my thanks for the copy that you have graciously offered me, please accept, Monsignor, the assurance of my devoted sentiments in Our Lord. January 4, 1912. R. CARD. MERRY DEL VAL. TO FRANCIS OF PAUL CARDINAL CASSETTA, ON THE SOLEMN COMMEMORATION OF THE SIXTEENTH CENTURY, FROM THE EDICT OF CONSTANTINE. Most Excellent and Most Reverend Sir, It was entirely natural that the Primary Association of the Holy Cross and the College of Cultors of the Martyrs should initiate a solemn and universal commemoration of the 16th centenary of the Edict of Constantine, by which the Church finally received official recognition, and that freedom and that peace for which the Cross of Christ and the blood of so many Martyrs were the price. The Holy Father learned of this initiative with great satisfaction, and is very pleased that, on the eve of such a memorable date, the happy idea has arisen of inviting all Catholics of the world to celebrate an event that, preceded by the glorious victory of Constantine over Maxentius, marked for the Church the first of those triumphs, numerous as the persecutions, which have accompanied and will accompany it until the end of the ages. And that these festivities may be worthy of the great event that is to be remembered after sixteen centuries, His Holiness wishes to entrust the

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program and execution to a Supreme Council, of which He invites.

[*Latin ed. p. 132*]

132 Acta Apostolicae Sedis. - Official Commentary. By a distinguished group of Catholics, well known for the sincerity of their faith and their industrious zeal, who have distributed the various offices as follows: Honorary President: His Excellency, Prince Don Marcantonio Colonna; President: His Excellency, Prince Don Mario Chigi; Vice-Presidents: Count Vincenzo Macchi – Monsignor Giuseppe Löhninger – Monsignor Antonio De Waal; Ecclesiastical Assistant: Monsignor Vincenzo Bianchi-Càgliesi; Treasurer: Knight Camillo Serafini; General Secretary: Professor Commendatore Orazio Marucchi; Secretaries: Bevignani Augusto, for the Italian language – Knight Doctor Pio Pagliucchi, for the Italian language – Reverend Father Emanuele Bàilly, for the French language – Monsignor Giovanni Prior, for the English language – Doctor Don Giovanni Jedin, for the German language – Reverend Father Gioacchino Vives y Tuto O.M.C., for the Spanish language. Furthermore, the Holy Father entrusts the high protection of this Council to Your Eminence, firmly convinced that if the efforts of the members who compose it are guided by the wise counsel of Your Eminence, the solemn commemoration of the victory of the Cross will, as the Holy Father desires, be a solemn manifestation of faith and a fervent appeal to all Catholics to draw ever closer to this august Sign, in which is for all salvation, life, and hope of a glorious resurrection. Finally, praying that Your Eminence may convey this gracious expression of papal consideration to the aforementioned gentlemen, I communicate to you the Apostolic Blessing which the Holy Father imparts with all his heart to them, and especially to Your Eminence, as a testament to paternal benevolence. With sentiments of the deepest veneration, I humbly kiss your hands and remain, on January 24, 1912, Your Eminence's most humble and devoted servant, Very Reverend Cardinal Merry del Val III. TO R. D. CLAPIER, PAROCHUS OF "BEAUSSEL," REGARDING THE MOST HOLY BOOK REVERENTLY PRESENTED TO THE REVEREND FATHER. Monsieur le Doyen, the Sovereign Pontiff was very pleased with the beautiful book that you have dedicated to the memory of Alexandre de Retz and the twelve other Pontifical Zouaves of Var.

[*Latin ed. p. 133*]

Secretariat of State. 133 His Holiness congratulates you for having written, with the heart of a priest and a Frenchman, these moving pages which preserve glorious and strengthening memories. Thanks to you, these noble champions of the most holy cause will continue to give eloquent lessons of courage and faith to their young compatriots. Thus, from the heart, the Holy Father blesses the book and its author. Please accept, Reverend Dean, the expression of my best sentiments in Our Lord. January

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16, 1912. R. CARD. MERRY DEL VAL. x- IV. TO THE MOST REVEREND LEON A. CARD. AMETTE, ARCHBISHOP OF PARISIENSEM, AS A TOKEN OF THE PRAYER OFFERED TO THE CLERGY AND PEOPLE OF PARISIENSEM, RESPECTFULLY PRESENTED TO THE MOST BLESSED FATHER. My Lord, The Supreme Pontiff thanks you for the tribute you have paid to Him through the Allocutions pronounced by Your Eminence on the occasion of Your elevation to the Cardinalate. His Holiness, who had already particularly appreciated Your words in Rome, was no less pleased with Your Allocution to the clergy and the faithful gathered at Notre Dame de Paris, for this incomparable reception on December 17th. "To be more than ever Roman and French," is indeed the motto that responds to Your sentiments and the expectation of the Holy Father. You affirmed this in terms that the Supreme Pontiff could not read without being deeply moved. He thanks You and, with all His heart, grants to Your Eminence and to Your beloved diocesans His best blessing. Allow me, Most Eminent Lord, to offer you my personal and heartfelt thanks for the copy of these beautiful discourses that you have kindly sent me, and which I have read with great interest, rejoicing in the demonstrations made to your person and your dignity on this solemn occasion. I join my prayers to yours for the salvation of France. Please accept, Eminence, the tribute of the sentiments of profound veneration with which I am always pleased to address Your Eminence. January 30, 1912. R. CARD. MERRY DEL VAL.

[*Latin ed. p. 134*]

134 Acta Apostolicae Sedis, - Official Commentary. DIARY OF THE ROMAN CURIA, SACRED CONGREGATION OF RITES, PREPARATORY CONGREGATION. On the 6th of February, 1912, in the Apostolic Palace of the Vatican, with the intervention of the Most Eminent and Reverend Lords Cardinals, and with the votes of the Reverend Prelates Officials and the Theological Consultors, the Preparatory Congregation was held to discuss the matter concerning the heroic virtues of the Venerable Andrea Uberto Fourney, founder of the Daughters of the Cross, commonly called the Sisters of St. Andrew.

SECRETARY OF STATE, APPOINTMENTS. By letters from the Secretary of State, the Holy Father deigned to appoint:

February 2, 1912. – The Most Reverend and Reverend Monsignor Giovanni Bonzano, Apostolic Delegate to the United States, simultaneously raising him to the Archiepiscopal See of Melitene.

February 6. – Monsignor Oreste Giorgi, Consultor of the Sacred Congregation Consistorial.

February 11. – Monsignor Pio Papi, Under-Secretary of the Sacred Congregation of the Sacraments for matrimonial dispensations.

February 12. – Don Clemente of the Marquis Sacchetti family, Major

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Procurator of the Sacred Apostolic Palaces.

By letters from the Secretary of State and by Briefs, the Holy Father deigned to appoint:

Apostolic Protonotary, *ad instar participantium* (in the manner of those present):

December 15, 1911. – The Reverend Giuseppe Nascimbeni, Parish Priest of Castelletto sul Garda, diocese of Verona.

[*Latin ed. p. 135*]

Diarium Romanae Curiae. 135 Prelates belonging to the Domestic Clergy of His Holiness: December 14, 1911. — The Reverend Monsignor Giovanni Battista Pighi, Canon of the Cathedral of Verona. — Monsignor Michele Splaine, Chancellor of the Archdiocesan Curia of Boston. — The Reverend Pietro Ronan, Rector of Saint Peter in Dorchester, Archdiocese of Boston. — The Reverend Guglielmo O'Brien, Parish Priest of Saint Patrick in Lowell, Archdiocese of Boston. — The Reverend Patrizio Supple, Parish Priest of Saint John and Saint Hugh in Roxbury, Archdiocese of Boston. — The Reverend Ambrogio Roche, Parish Priest of Saint Patrick in Watertown, Archdiocese of Boston. December 30. — Monsignor Riccardo L. Burtsell, of the Archdiocese of New York. — The Reverend Alberto A. Lings, Assistant Pastor in Yonkers, of the same Archdiocese. — The Reverend Giovanni J. Kean, President of the Commission for the Reform of Sacred Music in the same Archdiocese. — The Reverend Matteo A. Taylor, Fiscal Procurator of the same Archdiocese. — The Reverend Giovanni E. Burke, General Director of the Work for Missions among the Moors of the United States, of the same Archdiocese. January 25, 1912. — The Reverend Giacomo Valentino Warwick, of the Diocese of Southwark, Headmaster of the English College of Lisbon. January 31. — The Reverend Giacomo Mancuso, Archdeacon of the Cathedral and General Vicar of the Diocese of Mileto. February 3, 1912. — The Reverend Carlo F. Kavanagh, Chancellor of the Archdiocesan Curia of Philadelphia. HONORS. With letters and Briefs from the Secretariat of State, the Holy Father deigned to bestow the following honors: The Grand Cross of the Order of Saint Gregory the Great: December 30, 1911. — To Mr. Giacomo Butler, of the Archdiocese of New York. January 23, 1912. — To Mr. Baron Carlo De Gagera, retired Counselor of Legation, of the Diocese of Linz. The Commander's Cross with plaque of the Order of Saint Gregory the Great, civil division: February 6, 1912. — To Mr. Leonardo Pereyra Yraola, of Buenos Aires.

[*Latin ed. p. 136*]

136 Acta Apostolicae Sedis. - Official Commentary. The Order of Saint Gregory the Great, civil class: November 21, 1911. — To the Most Noble Marquis Gustavo Sardi, Chamberlain, Secretary of Grace and Sword and Cape, extraordinary member of His Holiness, of Montpellier. December 14,

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1911. — To the Most Noble Count Ugo Guarienti, President of the Diocesan Directorate of Verona. February 3, 1912. — To Mr. Carlo d'Aubigny, of the diocese of Beauvais. The Knighthood of the Order of Saint Gregory the Great, civil class: December 30, 1911. — To Mr. Giovanni Battista Manning, residing in New-York. — To Mr. Engineer Giovanni O'Rourke, member of the Board of Administration of the Cathedral of New-York. February 1, 1912. — To Mr. Vittorio Ippolito La Selve, of Lyons. February 3. — To Mr. Doctor Carlo Le Vaillant du Buisson, of the diocese of Beauvais. The Knighthood of the Order of Saint Gregory the Great, military class: February 8, 1912. — To Colonel Guglielmo Hoynes, Dean of the Faculty of Law at the University of Notre Dame, Indiana (United States of America). The Knighthood of the Order of Saint Sylvester the Pope: December 22, 1911. — To Mr. Fortunato Oreste Falevolti, of Florence, President of the Supreme Council of Tuscany of the Society of Saint Vincent de Paul. — To Mr. Lawyer Girolamo Basetti-Sani, of Florence. NECROLOGY February 3, 1912. — Monsignor Sebastiano Pifferi, Archbishop of La Plata or Charcas. February 4. — The Most Noble Marquis Don Urbano Sacchetti, Major Chamberlain of the Sacred Apostolic Palaces. February 7. — Monsignor Francesco Sogaro, Archbishop, titular of Amida, President of the Pontifical Academy of Noble Ecclesiastics.

[*Latin ed. p. 137*]

Year IV. - Vol. IV. February 29, 1912. No. 4

OFFICIAL ACTS

PIUS PP. X

APOSTOLIC LETTER.

THE ASSOCIATION OF THE PERPETUAL HOLY HOUR OF GETHSEMANI, ESTABLISHED IN THE ARCHDIOCESE OF TOLOSA, IS ERECTED INTO AN ARCHCONFRATERNITY WITH THE FACULTY OF AGGREGATION THROUGHOUT THE ENTIRE TERRITORY OF FRANCE.

PIUS PP. X.

FOR THE PERPETUAL MEMORY OF THIS MATTER.

It is not unknown to Us that a pious work under the title "The Perpetual Holy Hour of Gethsemani" has been canonically established since the year 1907, with the aim of constantly remembering the Mystery of the Divine

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Savior in the Garden of Olives through prayer. We have learned, indeed, with great joy of Our hearts, that this devout practice was proposed since the year 1835 by men outstanding in religion and piety, and was soon spread throughout a large part of Gaul, now encompassing many members, to whom, according to the records of this pious work, a specific hour of prayer is assigned, so that, together with Christ in the Garden of Gethsemani, they may continually offer prayers to the Eternal Father, day and night, raising their supplications to the Highest Throne.

We have also, so that this fruitful association may receive ever greater growth, not hesitated to draw upon the heavenly treasures of the Church, of which We are divinely the stewards, and, receiving the prayers of the Moderator and members of this same association, similar to Apostolic Letters, on May 8th of the year 1909, sealed with the Fisherman's ring, which began with the words "It has been reported to Us," We have enriched them with special perpetual indulgences.

Now, however, when the same Moderator and members humbly implore Us to deign to elevate said society to the dignity of an Archconfraternity, with the accompanying privileges and rights, and these requests are supported by the most Reverend Archbishop of Tolosa, We grant Our approval to these requests.

ACTA, vol. IV, no. 4. - 29-2-1912.

[*Latin ed. p. 138*]

Acts of the Apostolic See. - Official Commentary. We have considered it with a most willing spirit. Since these things are so, the pious work entitled "The Holy Hours of Gethsemani," canonically established in the chapel dedicated to Saint Louis of Angers, in the city of Toulouse, We, by Our Apostolic Authority, in the presence of those here and forever, erect and promote it as an Archiconfraternity, with the privileges added which are customarily granted to archsodalities. Furthermore, We declare this work to be primary for the entire Gallican jurisdiction; therefore, We grant to its Moderator and Officials, present and future, by the tenor of these presents, and forever, the power to incorporate to itself any other societies of the same name and institution, within the Gallican jurisdiction, whether already established or to be established in the future, and to grant to them, with the observance of the form of the Constitution of Pope Clement VIII of blessed memory, Our Predecessor, and other Apostolic ordinances issued above, all the indulgences granted by the Apostolic See to the primary work, which may be communicated with others, so that they may also lawfully communicate them. We decree that these Our Letters shall always remain firm, valid, and efficacious, and shall fully and completely produce and obtain their intended effects, and that those to whom they pertain, or who may refer to them in the future, shall fully support them; and that it shall be rightly judged and defined, and that it shall become void and null,

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if anyone, by any authority, knowingly or unknowingly, should attempt to alter these things. Notwithstanding any contrary provisions. Given at Rome, at St. Peter's, under the Fisherman's Ring, on the seventeenth day of February, 1912, in the ninth year of Our Pontificate. R. CARD. MERRY DEL VAL, L. J., Secretary of State. LETTERS. I. TO R. D. P. ALOISIUS YABAR, S.J., MODERATOR OF THE PIO-LATIN AMERICAN COLLEGE UNDER URBAN PONTIFICE, TO WHOM THE MOST BLESSED FATHER HAS COMMITTED THE TASK OF PREPARING A COPY OF THE BOOK ON THE WORK "THE APOSTOLATE OF PRAYER AND THE CONFRATERNITY OF THE SACRED HEART," FOUNDED FORTY YEARS AGO IN BRASILIA. Beloved Son, greetings and Apostolic blessing. — Know that We have received with gratitude the book which has been published and offered to Us through Our beloved son, Father Bartholomew Taddei, S.J., a priest. The news of the benefits which it brings to the Church of Brazil has been pleasing to Us, and it offers a pious work...

[*Latin ed. p. 139*]

The Acts of Pope Pius X, page 139, mention the prayer and the League of the Sacred Heart, which the same priest founded and, as we have learned, diligently directs. You call these benefits wondrous and greater than can be estimated; and considering the very humble beginnings of this work, as well as its joyful and rapid growth, we ourselves find this appellation fitting. Indeed, by the help of the merciful God, a small seed of mustard, planted by a devout man in the city of Ytu, has, in scarcely eight years, grown into a tree of such magnitude and fruitfulness, as is indicated by the three hundred thousand members throughout Brazil, who daily offer to God the fruit of their lips confessing His name, and by the many and illustrious works of their active charity. Above all, we wish to mention the services rendered by the members, whether it be by helping the parish priests in fostering Christian instruction among the children, or by promoting more frequent use of the Sacraments: thus, they have deservedly earned praise, according to Our wishes and those of their superiors, for their piety. We have been greatly pleased by these things, beloved son, especially because they inspire hope, and indeed expectation, in us concerning the expeditions for the pastoral care of Brasiliae. For we do not believe that the industry of evangelical workers can fail to be useful there, where the support of so many Catholic thousands is available, who, with countless prayers, holy works, and finally, their own example, bring the admirable light of Christ to their brothers in need. Therefore, giving thanks to God, from whom all good things come and every perfect gift, we certainly commend this work, and at the same time, we sincerely congratulate first of all the diligent student of the Society of Jesus, whose long labor has produced such a joyful result, and then also the individual members, especially those who cultivate and promote this most beneficial association. We wish to convey to you the

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message of the Apostolic Blessing, which, as a witness of Our benevolence and of the good auspices of heaven, We impart to you, beloved son, and to those whom you love in the Lord. Given at Rome, near St. Peter's, on the tenth day of February, 1912, in the ninth year of Our pontificate. PIUS PP. X. TO THE MOST REVEREND AND RIGHT REVEREND ARCHBISHOPS AND BISHOPS OF BAVARIA, IN GRATITUDE FOR THE LETTERS OF OBEDIENCE FULLY RECEIVED AFTER THE MEETING HELD IN MUNICH! Venerable Brothers, greetings and the Apostolic Blessing. — We have learned from your common letters from Munich that, a short time ago...

[*Latin ed. p. 140*]

140 Acta Apostolicae Sedis. - Official Commentary. that you have convened. Indeed, your concern and solicitude for your Churches compelled you, and we are pleased to know that you are devoted to them; but we are also pleased that this devotion is joined with a zeal for pursuing this Apostolic See. You yourselves have professed this, when you declared that you had brought your thoughts to Us even at the very threshold of the consultations, and that you had found it pleasing to anticipate the manifestation of a most favorable will towards Us. We appreciate the service of your piety towards Us; in return, so that no services may be lacking from Our charity, we give you these letters, containing greetings with which we embrace you, and also the Apostolic Blessing, which, with the hope of heavenly blessings, we impart to each of you, Venerable Brothers, to the clergy and the people entrusted to your care, most beloved in the Lord. Given in Rome, at St. Peter's, on the nineteenth day of February, in the year 1912, in the ninth year of Our Pontificate. PIUS PP. X. III. TO THE MOST REVEREND JAMES CALASANCTIUM WITTHY, MODERATOR OF THE RELIGIOUS INSTITUTE OF THE "CHRISTIAN BROTHERS" IN IRELAND, GREETINGS. Beloved Son, health and the Apostolic Blessing. – It is certainly a most noble praise to the religious family which you direct with such diligence, which has for a long time been devoted to properly instructing young people in their formative years. Indeed, beloved Son, we greatly appreciate this charity of yours, which embraces boys, whom we hold dear, in a Christian manner. We clearly understand that it contributes greatly to the good of the Church and of the Republic, as it increases and promotes the number of well-behaved citizens. Especially in this age, when we see that in public schools, boys are educated in such a way that, even if errors are not deliberately mixed with the teachings, no instruction is given on divine matters or Christian morals, you deserve great merit for the eternal salvation of all those whom you cultivate with religious discipline and with letters. For the precepts of religion, rightly and maturely imparted, are like certain good seeds, which, even when sown in those who are later sadly afflicted by unrestrained desires, do not fail to bear fruit, at

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least leading to a return to health. Therefore, beloved Son, we encourage you and your confreres to persevere diligently in your excellent endeavors. Indeed, there is much work before you, since almost everywhere, boys are exposed to causes of offense. Therefore, it is necessary to take care above all that your preparatory colleges and houses, which you call "preparatory schools," flourish with the attendance of adolescents, who are taught the doctrine of virtue.

[*Latin ed. p. 141*]

Sacred Congregation of the Consistory. 141. Concerning assistance to be given to brothers who are conspicuous in Lodi. — Since the cause which you defend is of such great importance, concerning the interests of all those in whom the love of religion and of the homeland burns, we earnestly commend these matters to all good men; but especially to the Sacred Ministers, to the parish priests, and to the heads of families, to whom it is most fitting to take precedence in assisting you. That this may proceed according to your hopes, we invoke the power of heavenly assistance for you, and, as a witness of Our benevolence, We impart to you, beloved Son, the Apostolic Blessing, to the religious members in whom your care is vigilant, and finally to all young people who make use of your instruction, most lovingly in the Lord. Given in Rome, at St. Peter's, on the twentieth day of February, in the ninth year of Our Pontificate. PIUS PP. X. DECREE CONCERNING THE OATH TO BE TAKEN BY SYNODAL EXAMINERS AND PAROCHIAL CONSULTORS. Since certain doubts had arisen concerning the manner, time, and form of the oath to be taken by the Synodal Examiners when they are employed to examine cases of the removal of parish priests, according to the decree *Maxima cura*, the Most Holy Pope Pius X, in order to resolve these doubts, after consultation with the Most Reverend Fathers of this Sacred Congregation of the Consistory, has decided and decreed that, in the future, both the Synodal Examiners and the Parochial Consultors, who assist the Bishop in the decree of removal, or in the revision of the same decree, shall, on each occasion, in the first session, under penalty of nullity of the proceedings, be obliged to take an oath according to the formula here attached. And this has been established and promulgated by this Sacred Congregation of the Consistory, notwithstanding any contrary provisions. Given in Rome, from the offices of the Sacred Congregation of the Consistory, on the fifteenth day of February, 1912. C. CARD. DE LAI, L. Episc. Sabinen., Secretary. S. Scipio Tecchi, Assessor.

[*Latin ed. p. 142*]

Acts of the Apostolic See. - Official Commentary. 142 FORMULA TO BE USED. "I, N. N., examiner (or consulting parish priest), synodal (or pre-synodal), promise, vow, and swear that I will faithfully and sincerely, setting aside all human affections, and as far as in me lies, perform the duty

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and office entrusted to me; that I will religiously keep secret the matters of office concerning all that I know by reason of my office, and especially concerning secret documents, discussions held in council, and the number of votes and their reasons; nor will I accept anything whatsoever, by reason of this office, even under the guise of a gift, either before or after. " May God help me in this, and may these holy Gospels of God, which I touch with my hands."

S. CONGREGATION REGARDING DOUBTS CONCERNING THE VIGILS OF THE FEASTS OF SAINT JOSEPH AND THE ANNUNCIATION OF THE BLESSED VIRGIN MARY. On September 18th, of the past year, the S. Congregation responded to the question: "Whether, after the 'Motu Proprio' of July 2, 1911, the vigils of the suppressed feasts should still be observed?" with: "Affirmatively." However, in the decree "Frequentes pluribus," issued by the S. Congregation of the Holy Office on September 5, 1906, it was stipulated that the vigils of the feasts of Saint Joseph and the Annunciation of the Blessed Virgin Mary should be observed only in those places where those same feasts are observed under precept. Therefore, a question was recently put to the S. Congregation: "Whether, by the decision given on September 18th of the past year, as mentioned above, the disposition of the Holy Office decree has been amended." And the S. Congregation considered that the answer should be: "Negatively."

Given at Rome, from the Secretariat of the S. Congregation, on February 25, 1912.

C. CARD. GENNARI, Prefect.

L. © S. O. Giorgi, Secretary.

[*Latin ed. p. 143*]

Sacred Congregation of Religious. 143 Sacred Congregation of Religious. DOUBTS CONCERNING THE THIRD ORDERS SECULAR. L In the plenary assembly of the Most Eminent Fathers held at the Vatican on November 24, 1911, the following doubts were proposed concerning the Third Secular Order of St. Francis of Assisi: I. Whether Congregations of the Third Order of St. Francis of Assisi, erected by one obedience of the First Order or by a Regular Third Order, can, without the consent or invitation of the Superiors who erected them, validly pass to another obedience? II. Whether the same Congregations, erected as above by one obedience and directed by Brothers of another obedience residing in the same Province or City, are still under the dependence of the first obedience that erected them, so that this can visit them and perform all that is required by law within its legitimate jurisdiction? And the Eminent Fathers, after mature deliberation, responded: To I. Negatively. To II. According to the opinion of the Consultor, or: If the direction of a Third Order Congregation, previously erected by one Franciscan family, has been legitimately entrusted to Brothers of another family, Negatively; otherwise, Affirmatively. These

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resolutions were approved and confirmed by the Most Holy Lord Pope Pius PP. X, in an audience held by the undersigned Secretary on December 6, 1911. Ios. CAL. CARD. VIVES, Prefect. f Donatus, Archbishop of Ephesus, Secretary. The Superior General of the Order of Discalced Carmelites presented to this Sacred Congregation, stating that it often happens that secular tertiaries of the Carmelites of the Ancient Observance and, respectively, of the Discalced Carmelites, request to be incorporated into the Congregation of another obedience, either due to a change of domicile or even for reasons of convenience. With regard to the Secular tertiaries of St. Francis of Assisi, there is no doubt, since the Decree of the Sacred Congregation of Indulgences of March 4, 1903, states:

[*Latin ed. p. 144*]

Acts of the Apostolic See. - Official Commentary. 144 o I That secular tertiaries of the Order of St. Francis may be able to pronounce their vows in a Congregation of a different obedience, or one different from that in which they were admitted to the novitiate, if it is provided for their greater benefit. 2° That professed members, for the same reason, may be able to transfer from one Congregation to another of a different obedience. 3° That a parish priest, or any priest who is the moderator of a Congregation of tertiaries, if he is transferred to a place where another Congregation of a different obedience is found, may be able to govern the same without needing new approval; he must, however, inform the Regular Visitor of this matter, so that he may be able to conduct business with the Congregation. But on the occasion of this Decree, a doubt arose for some Ordinaries and priests, which the General Superior of the Order of Discalced Carmelites proposed to this Holy Congregation: "Does the Decree of the Holy Congregation of Indulgences of March 4, 1903, apply also to secular tertiaries of both Obediences of the Carmelite Order?" His Holiness Pope Pius X, in an audience granted to the undersigned Cardinal Prefect, having considered the identical reasons, deigned to give an affirmative answer. January 16, 1912. Tos. CAL. CARD. VIVES, Prefect. HOLY CONGREGATION OF INDICES. By Decree of the Holy Congregation of January 22 of the last year, the Reverend Venantius Gonzalez has been duly approved. Rome, February 27, 1912. Thomas Esser, O. P., Secretary.

[*Latin ed. p. 145*]

Sacred Congregation of Rites. 145. SACRED CONGREGATION OF RITES. DECREE ON THE INTERPRETATION OF RUBRICS, ACCORDING TO THE NORMS OF THE BULL "DIVINO AFFLATU." With the publication of the new Psalter, and the new Tables of the Occurrence and Concurrence of Feasts, there has not been a uniform interpretation of the Rubrics, which were drawn up by the Pontifical Commission established for that purpose, in accordance with the norms of the Bull "Divino afflatu,"

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as can be seen in the various Calendars newly prepared for the current year 1912. Therefore, in order to avoid doubts in the future, the Sacred Congregation of Rites, at the request of the aforementioned Pontifical Commission, with the reference of the undersigned Secretary, has decided and decreed as follows:

I. The Rubric concerning the Commemoration of the Saints, which is found in the Ordinary of the Divine Office for Lauds and Vespers, must be interpreted according to Title VII, paragraph 4, of the new Rubrics, and in order to remove any ambiguity, the aforementioned Rubric shall henceforth be worded as follows: "Then, outside of the Paschal Time and excluding those days on which 'any Office of Double or lower rank occurs, or a Sunday on which a Double is commemorated, a simplified Office is celebrated,' the following Commemoration is to be observed."

II. Duplexes of the I and II class, which are impeded on their proper day, according to Title III, paragraph 3, of the new Rubrics, must be transferred to the nearest free day, free from another Duplex of the I or II class, and from Offices of such feasts; however, they cannot be transferred to a Sunday, even a lesser one, according to paragraph 2 of the same Title.

III. Duplexes of the I and II class, which are assigned to certain Sundays or feasts, if they are perpetually impeded, according to the new Rubrics, Title IV, paragraph 2, must be transferred to the next weekday that is free from another Duplex of the I or II class, or from any day of the Octave, or from Offices of such feasts, and not, as some Liturgists believe, to the first day free as mentioned above, after the period of days within which they may occur.

IV. According to the new Table of Concurrence, if a Duplex of higher rank coincides with another Duplex of higher rank, the entire Office of the more noble feast, with the commemoration of the other, must be observed, and therefore, the Duplex of the Lord, of higher rank, is...

[*Latin ed. p. 146*]

Acta Apostolicae Sedis. - Official Commentary. 146. The feasts of the same rite of the Blessed Virgin Mary or of the Saints of the highest rank must yield to the feasts of that same rite. Nevertheless, when a feast of the Lord, of the highest rank, which is a secondary feast, falls on a Sunday and coincides with a feast of the Lord, of the highest rank, which is a primary feast of the Blessed Virgin Mary or of the Angels or of the Saints, then the Vespers shall be those of the aforementioned feast of the Lord, because in such a case, the Office of the feast of the Lord takes the place of the Office of Sunday. On February 24, 1912. L. S. S. Fr. S. CARD. MARTINELLI, S. B. C. Prefect. Petrus La Fontaine, Bishop of Charystien, Secretary. SACRA ROMANA ROTA. I. NEO-EBORACENSI. NULLITY OF MARRIAGE (BONI-GOULD). During the blessed reign of Pope Pius X, in the ninth year of his pontificate, on December 9, 1911, the Most Reverend Fathers, Michael

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Lega, Dean, Ponens, Guilelmus Sebastianeiii, and Petrus Bossetti, Auditors of turno, in the case of "Neo-Eboracensi - Nullity of Marriage" between the Countess Maria Paulus Ernestum Bonifacium Boni de Castellane, represented by her legitimate procurator, Philip Pacelli, Advocate, and the Lady Anna Gould, who intervened and argued in the case as the defender of the marriage bond, rendered the following definitive judgment. On March 14, 1895, Maria Paulus Boni, Countess de Castellane, and Anna Gould entered into a marriage in the city of Neo-Eboracensi; however, a prior dispensation was obtained from the impediment of mixed religion, since the husband professed the Catholic religion, while the bride was attached to a certain Protestant sect. The married couple produced eleven years of conjugal life, and during that time, they had three children. However, their cohabitation was not peaceful, since, already in the third year of their marriage, the wife suspected the infidelity of her husband, and she adduced this very reason, namely, the infidelity of her husband, to request a divorce from the civil court, from which she obtained a favorable judgment.

[*Latin ed. p. 147*]

In the Roman Rota, No. 147. Afterwards, Anne entered into a marriage with another man, with whom she established a civil union, and since Paul Boni of Castellane could not hope to restore conjugal life with Anne, recalling the history of this unfortunate marriage from its origin, he considered that it was afflicted with the defect of nullity due to the lack of consent on the part of his bride, who, both before and after the marriage, protested that the conjugal bond would not prevent her, according to her judgment, from separating from her husband, especially if he were to commit adultery. Count Boni of Castellane instituted a suit for nullity before the Most Blessed Father, requesting that the instruction of the cause be entrusted to this Sacred Order; which the Most Holy Father deigned to grant: therefore, today the cause for determination is presented under the customary formula for inquiry: "Does it appear that the marriage is null in this case?" Furthermore, the Reverend Fathers observed: 1.° that the question raised by the Plaintiff concerns whether the bride can be proven to have made a protestation before the marriage - that is, that she indeed intended to separate from her husband if he should prove unfaithful; - but that this intention affected the matrimonial consent, as a condition under which the marriage was entered into. 2.° However, from the procedural records, it is seen that Anne, when questioned whether she had expressed such an intention in words before the marriage, denied that she had expressed such a will. Indeed, the husband narrates: "However, about four days before the marriage, as I believed I had the right to make some observations to her... she told me that she was an American Protestant, that she was free, that her marriage could not irrevocably bind her, and that she reserved the right to divorce if the occasion arose. On the very day of the marriage, about

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an hour and a half before the ceremony, as she was in tears and Prince Del Drago was asking her the reason for her distress, she told him that I was too insistent... that in any case, she reserved the right to divorce if it were useful; that she charged him to tell me so... To my brother Jean... she made the same exposition, also charging him to repeat to me what she had just told him. To my brother Jean and Prince Del Drago together, shortly afterwards... she repeated to both of them what she had said to each of them individually." But Anne, questioned by the judge, replied: "I did not pronounce the phrase that is attributed to me. I do not even remember having said anything similar, or having the same meaning. I add that my father was opposed to divorce and that he raised me with those ideas... During the first three years of my marriage, I do not remember..."

[*Latin ed. p. 148*]

148 Acta Apostolicae Sedis. - Commentarium Officiale. "Without having spoken of divorce. But when difficulties arose, it 'happened to me several times to threaten my husband with asking for a divorce.' This assertion, in the matter at hand, is all the more serious, because the entire case is based on a purpose which Anne herself conceived and expressed in words before the marriage. It is not a condition agreed upon in a contract, but Anne's subjective intention, contrary to the essence of marriage, which could thus undermine the matrimonial consent, to the extent that it was intended by Anne herself. However, she candidly states: "At that moment, 'I was still very young; the thought of the possibility of a second 'marriage did not even occur to me. I said: "Yes"... because 'I was getting married as one ordinarily gets married. I thought of nothing 'else.' And this is confirmed by Mrs. Cameron, who, when she asked Anne whether she was certain that she would find happiness with Mr. de Castellane, received this response from Anne: "If he 'does not make me happy, I will divorce.' And Mrs. Cameron continues: "In 'America, almost all young girls who get married have this 'intention of using divorce if the marriage does not make them happy." Therefore, one cannot doubt that Anne intended to enter into a marriage instituted by Christ, and to give her consent in that regard, although she erroneously admitted that she could, for certain reasons, separate from her husband; or that she entered into a marriage with an error of law, which is valid. 3.° Anne, however, after learning the deposition of Count Boni de Castellane, and the testimonies of John, and of the Princes Del Drago, and of others, issued a protest against these witnesses, and presented it to this Holy Tribunal, and the Defender of the Bond made it public. Anne protested: "I did not use the language that Mr. Jean de Castellane 'attributes to me... I am certain that I did not 'entrust Don Giovanni Del 'Drago, or anyone else, with making any 'declaration on my part to Mr. Boni de Castellane on the morning or the day before our marriage. — 'Furthermore, Prince Del Drago had no relationship with me, and I 'had

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no confidences to share with him. It is pure calumny. Del 'Drago was a friend of Mr. de Castellane, but not of my family." Furthermore, Anne points out that if she had truly intended to divorce, as is alleged, she would not have waited eleven years: "If I had wanted to divorce, as they claim, I 'would have taken advantage of the first opportunity that presented itself; the evident proof of 'Mr. de Castellane's bad conduct three years after the 'marriage..."

[*Latin ed. p. 149*]

In the Roman Rota, case number 149, 4th instance, another fact is presented which renders the protestation attributed to Anne, in the terms stated and with a certain intention, somewhat implausible. Indeed, the Plaintiff himself, the Count of Castellane, states: "In the spring of 1894, I had the opportunity to see Miss Gould; she did not displease me, and I felt that she was pleased with me... In July of the same year, I departed for America, primarily to test the persistence of the sentiment I believed I felt... and it seemed unlikely that I would immediately obtain her consent... Miss Gould declared at that time that she wished to marry me..." Anne's brother, Edward Gould, stated: "The day before the wedding, she (Anne) told me that she loved her fiancé very much." Therefore, the bride freely accepted the conditions required by the Catholic Church for a mixed marriage, and she also accepted all the consequences that flowed from this commitment... she sincerely hoped that nothing would ever separate her (from her husband)." Anne's brother, George, was asked: "Do you know if Anne Gould willingly promised to raise her children in the Catholic religion?" He replied: "Yes, she willingly promised." And Anne's sister said that Anne had been "very loving" towards Paul. Therefore, it is not easily conceivable that Anne would speak of divorce before the marriage, with a purpose of mind about which both Paul and the witnesses he presented today testify. Consequently, if a discussion about this occurred on the day of the wedding, or shortly before or after, it must be said that Anne likely uttered these words lightly, and almost in jest, and without the intention of limiting, with her firm will, her consent to the marriage agreement. Indeed, the Duke of Luynes, a witness in the case, states that Anne: "Told me several times that on the day she would have had enough, she would divorce; that this was commonly done in America... she repeated this so often that I felt I had to speak to her husband about it, who at the time did not consider these to be serious words." And John, Count of Montebello, stated: "I felt I had to warn Boni... the latter took it with a smile and told me that he was relying too much on her affection to believe it." 5th. If it is objected that the manner of speaking, both by Anne and by her relatives, in this process, can easily be explained by the purpose that Anne harbors, namely, to take revenge on Paul, whom she today bitterly hates, as the Marchioness de Tillerand-Curtis has testified: "She (Anne) has a

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very demanding character; she demanded from Boni things that could not be given; on the other hand... she is very vindictive; she will pursue until the death of the one who has wronged her... she will do the impossible to prevent Boni from regaining his freedom," it must be said that this accusation...

[*Latin ed. p. 150*]

150 Acta Apostolicae Sedis. - Official Commentary. to the investigation, and that they did not correspond to the facts. For the woman, having been summoned, appeared; but when asked whether she wished to produce witnesses to confirm her testimony, she declared: "I do not know of any witnesses to indicate to the court." Later, however, she produced them; but it may be inferred that, at the time she gave her testimony, Anne had not even considered producing witnesses who would support her testimony; but he who testifies in court, not from conscience, but from a desire for revenge, is first concerned with finding those who will support his lie, his desire for revenge, with their testimony. The testimony of Anne, and the testimonies of the witnesses she produced, do not in any way suggest hatred towards the Accuser, but rather they present the facts soberly, without preconceived opinions. This, indeed, cannot be said of the contradictory testimonies. 6.° Furthermore, considering what the Count of Castellane himself recounts, the Accuser, in his other testimony concerning the Prince of Sagan, Anne's suitor, who was diligently seeking an explanation in Rome regarding the canonical impediment that would prevent the marriage of Anne with Paul, the Count, - Anne undoubtedly consenting, indeed, being willing to pay a considerable sum of money (as is inferred from the Accuser's own testimony); - these facts, indeed, show that it would have been most pleasing to Anne if such a marriage could be declared null and void; and in this matter, the jurists labored, but in vain: therefore, it must be said that there was no defect in Anne's consent, which, deriving this defect from natural law itself, she herself, although ignorant of canon law, would have easily perceived, guided by her own conscience, or at least would have shown to experts in the law, indications and arguments; nor was she forced to lead the Prince of Sagan to apostasy from the Catholic religion, so that she might be joined to him in a Protestant rite. 7.° Moreover, the Lords have noted that the confession of the Accuser, and the testimonies of the witnesses he produced, present themselves in such a way that they do not inspire confidence in the Accuser himself. For - besides the fact that the Accuser did not hear directly from Anne, but learned of the condition from the Prince Del Drago, so that greater credence should not be given to him than is due to this Prince, since one affirmation is reflected in the affirmation of the other - what the Accuser recounts is alien to the truth. For, in his statement in the indictment, he said: a) that the alleged condition had been made manifest by Anne, first to her brother John, and then to the Prince Del

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Drago, "un quarto d' ora prima che si cele« brasse il matrimonio "; b) that John was the first to question Anne, who was weeping and crying, and who called the Prince Del Drago, so that, entering the woman's room, he himself heard with his own ears the true words of Anne.

[*Latin ed. p. 151*]

In Quarten. 151. He stated his intention; c) that this was the only circumstance in which Anne had revealed her intention of leaving her husband whenever it pleased her, and she had done so to both of them, "and then she said this to both of them, etc."; - on the contrary, before the judge, the Plaintiff himself testified: 1) that this happened "about an hour and a half before the ceremony"; 2) that Prince Del Drago, and not John, had asked Anne the cause of her tears, "because she was crying, and Prince Del Drago asked her the reason for her sadness, 'and she told him...'"; 3) that Anne had made her intention known to both of them in two circumstances: separately, first; and then, together: for she said: "She told him (Prince Del Drago)... that she reserved the right to 'divorce'... To my brother John... she made the same explanation, both to my brother John and to Prince Del Drago, who were together shortly afterwards, AND 'TO AVOID ANY MISTAKE, she repeated to both of them what she had said to each of them individually.' - To this is added a contradiction between the Plaintiff and his brother John: the Plaintiff affirmed that John had learned of Anne's intention on the very day of the wedding "an hour before the ceremony"; or - as he testified before the judge - "about an hour and a half before the ceremony"; John, on the contrary, stated that he had heard this "the day before his wedding," or - as in another of his testimonies - "one or two days before the wedding." The Plaintiff lied, claiming that Anne had instructed him to tell John about her intention; but John himself, properly questioned by the judge, confessed: "Miss Gould did not ask me to tell my brother. Did I speak to him about it? I don't think so, I can't say for sure." And the witnesses contradict each other. And indeed, John Boni, in his testimony which he presented in writing to the judge, stated: "My mother told me several times, during 'our stay in New York,' how much she found Miss Gould's feelings to be distressing; she found these feelings so terrible that she 'cried hot tears THE DAY BEFORE AND ON THE VERY DAY OF THE WEDDING.'" John's mother, in her response, testified to the judge, when questioned: "I HEARD NO MENTION OF MISS GOULD AT THE TIME OF THE WEDDING, 'who, moreover, was very little communicative with me; but I learned about it some time after the wedding, etc.'" As for the witness Prince Del Drago, it was noted that he himself was the only witness who stated the true situation; while the others either reported Anne's opinion incorrectly, or reported what they had heard at a suspicious time, or what they had been told by Prince Del Drago; and, therefore, either they do not confirm the stated condition, or the confirmation is reduced to

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the same as that established by Prince Del Drago. Indeed - besides the fact that the Prince is the only witness, and therefore no witness - he does not reconcile his testimony with truth.

[*Latin ed. p. 152*]

152 Acts, of the Apostolic See. - Official Commentary. For, he stated that he had been called by the bride, shortly before the celebration of the marriage, to hear her intentions (whereas the Plaintiff stated that he had been called by his brother, John); but also – and this is more serious – he affirmed that he certainly knew that Anne had made a declaration, both to the Plaintiff's mother and to his brother, and to the woman in Anne's household; and that he had received this information from these very individuals: he said, "I certainly know that she made this declaration to the mother of the groom, to the groom's brother, and to her lady-in-waiting. THESE THREE PERSONS HAVE RELATED THIS TO ME." Furthermore, we have heard the Plaintiff's mother confess: "I did not hear, at the time of the marriage, any remarks from Miss Gould, who, moreover, was very little communicative with me"; the brother, however, and Mrs. Cameron, reported only Anne's erroneous opinion regarding the dissolubility of marriage. Therefore, it follows that it has not been proven from the records that Anne declared, before the marriage, the protestation that the husband alleges, and that she made it with the intention of binding her consent to the marriage to the husband's fidelity. However, the Lords considered that even if Anne truly had made the protestation that the husband alleges, and that the witnesses he produced confirm, it would never have been proven from the records that there existed a pretense condition. And indeed: the Plaintiff testified: "She told me that she was an American Protestant, that she was free, that her marriage could not irrevocably bind her." John of Castellane, the groom's brother, testified that Anne said, shortly before the marriage: "Boni believes that he will keep me always; he will keep me as long as I want; and if I no longer suit him, I will divorce. I am Protestant, and I know that I can divorce whenever I wish." I then told her that she should certainly become Catholic, and she replied to me: "For nothing in the world: because if I became Catholic, I would not be able to remarry, and I want to be free to do so whenever I wish." And Catherine Cameron, Anne's lady-in-waiting, who was present at the celebration of the marriage, testified: "I am certain that, before the marriage, in my presence and before several other people, Mrs. Gould said that she would divorce if she was not happy... In America, almost all young girls who marry have this intention of using divorce if the marriage does not make them happy." The Plaintiff's father related this: "On the very morning of the marriage, my son Jean and Prince Del Drago came to inform me of a scene that had taken place between them and Anne Gould. The latter had told them very clearly that she was Protestant, and that she would remain so in order to have the faculty of

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divorcing whenever she pleased." The Plaintiff's mother narrates this: "It was a few months after the marriage that she told me..."

[*Latin ed. p. 153*]

153. The Roman Rota. "She told me herself... she had come to attend Mass in the chapel of the castle, and as she was leaving, I thanked her; but she immediately said to me: 'I will never become a Catholic, because I want to be able to divorce.' Goeteri witnesses unanimously agree that Anne had insisted that she and her husband should have the right to separate if he were unfaithful or otherwise displeased her, and that this right belonged to her according to the tenets of the Protestant sect to which she adhered, and that she would not abandon this right so that it would be taken away from her. Indeed, in these terms is contained the very error of law which is defined by Cardinal Gasparri, in *De Matrimonio*, n. 792 (edition of 1891): 'An error of law concerning the essential property of marriage occurs if one of the contracting parties - or believes that the matrimonial bond can be dissolved at least in certain circumstances, as do Protestants, and also Greek schismatics who, contrary to the definition of the Council of Trent, session 24, chapter 7, still maintain that divorce can be fully granted through adultery, and some perverse and ignorant Catholics, especially after the unfortunate divorce law; - or believes that after the marriage, he or she can also add another spouse, as do Protestants; - or finally, believes that marriage is not a sacrament, as do Protestants, to whom many perverse and ignorant Catholics adhere.' In this definition is contained whatever species of error was present in Anne's mind; but the opinion of Doctors, and in the forum of jurisprudence, is certain and constant, namely that such an error does not affect the validity of the marriage. Cardinal Gasparri himself, cited above, states: 'Indeed, in this case, it is certain that there is a matrimonial consent, and therefore the marriage is valid even with a simple error of law, even if the cause for the contract is given; namely: if the contracting party who is in error simply wants to enter into a true marriage as instituted by the Lord... and the positive act of will does not exclude the essential property of marriage, although it would exclude it if he were to think about it... But if the contracting party, with an explicit act of will, or with a true state of mind, truly excludes that property, the marriage is invalid.' In this matter, Benedict XIV writes in *De Synod.* 1, 13, c. 22, n. 7: 'Furthermore, theologians and canonists inquire not only why there should remain no marriage in which conditions have been inserted that are contrary to its very substance and nature, but also what is the reason for that distinction, so that the marriage of those who, without any condition, marry each other, must be held to be valid and firm, even if they cherish a false opinion that they believe that the very marriage, broken by adultery, is dissolved: on

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the contrary, no marriage and it must be considered invalid.'

[*Latin ed. p. 154*]

154 Acta Apostolicae Sedis. - Official Commentary. "Furthermore, those who, besides the error in which they are immersed, add a convention concerning the dissolution of marriage regarding the bond, in the presence of adultery. Regarding this, the reasoning is as follows. Whoever wishes to enter into a contract, must necessarily desire its substance; therefore, if the contracting parties, when entering into the marriage covenant, impose a condition contrary to that substance, it is the clearest argument that they do not consent to a true marriage contract... However, if that explicit condition regarding the dissolution of marriage due to adultery was not imposed, although the parties were in error regarding the fact that the marriage bond could be dissolved by adultery, nevertheless, there is a presumption that, since they intended to enter into a marriage as instituted by Christ, they intended it to be entirely perpetual, and even in the presence of adultery, to be indissoluble; that is, the general will regarding entering into marriage according to Christ's institution prevails, and that error absorbs that particular error; thus, the marriage contracted in this way remains valid and firm. This doctrine has always and consistently been followed by the Congregation of the Holy Office, whenever it has been presented with cases to examine the validity of marriages, whether between two Calvinists, or between a Catholic and a Calvinist; provided that either both spouses, or one of them, held the opinion that the marriage bond could be dissolved due to adultery. This is gathered from the response given to the question: "Is a marriage validly contracted between a Catholic and a heretical schismatic, with the intention of either entering into or dissolving a marriage?" which was resolved on October 2, 1680, as follows: "If these were made into a pact, or if these marriages were contracted with this condition, they are null; unless otherwise, they are valid." See also Pirhing, Ius. canon. I. IV, vol. 1, no. 74, and the letter of Pope Pius VI to the Archbishop of Prague, dated July 11, 1789; and the Holy Roman Rota in a case from Monaco-Friburgo, dated July 24, 1909, c. Mori. Indeed, the witnesses testify that it was Anne's intention to leave her husband if he were unfaithful, a right she arrogated to herself, being addicted to the Evangelical sect. The aforementioned petition – which does not always signify the genuine truth of the facts, since it is written by an Advocate, in order to prove the proposed action, rather than by the plaintiff, and this is precisely required in chapter 14 of "De iudic." – explicitly exhibits this reason for nullity: "We have this advantage over you Catholics, that we can remarry whenever we want." But this is the error of the law that we have already explained, which does not exclude the will to enter into a marriage according to Christ's institution, and therefore, the

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marriage is firm and valid.

[*Latin ed. p. 155*]

The Roman Rota. We have, for all time, established, according to the certain and constant doctrine of the Doctors, as well as the authentic decisions of the Sacred Congregations, that it should not be said that the question is not about the word, but about the matter, and that the aforementioned witnesses, who are utterly ignorant of canon law, even if, when giving their testimony, they did not use the very words of the condition, nevertheless used expressions equivalent to that very word. For words must be understood according to their meaning: but the intention of doing something does not imply a conditional agreement; and in doubt, it is presumed that one has contracted unconditionally, unless it is clearly stated that there is a condition, especially if the condition is contrary to the substance of the contract, as considered by Benedict XIV in the aforementioned passage. But there is one witness who does not speak of a simple error, but of an express condition that would render the contract null, according to the rule already explained. John, from the "Principies Del Drago," states: "I remember that on the very morning in which the marriage was to be celebrated, finding myself in a room near the one where the bride was... I heard her crying and speaking vehemently, so much so that I could distinguish what was being said. When I approached, I was called by the bride herself, who, in a state of agitation, told me that she was not at all sure of the affection of the groom and feared doing harm by marrying him. In any case, she explicitly declared that she was marrying on the condition of being free to divorce as soon as she was betrayed by the groom, and for this reason, she asked me to clearly communicate this statement to the groom." With regard to this testimony, the following should be noted: 1.° First of all, it offers a rule of interpretation: "One witness, no witness," or "a single witness does not prove," as held by the Holy Office in decisions s. 251, n. 1; decisions 664, n. 8, part I, and decisions 191, n. 7; decisions 337, n. 16; decisions 487, n. 8, part IV, vol. II, Recent, and in numerous other decisions in the same collection of Recent decisions. Furthermore, it has been held that a single witness does not prove even a fact of his own knowledge, especially if objections can be raised against the testimony (and these are present in the case already mentioned and will be indicated below), as in decisions 144, n. 3; decisions 403, n. 8, part 1; decisions 237, n. 4, part III; decisions 125, part 4; part 4, Recent. 2.° To the extent that the testimony of one contradicts the testimonies of others, it must be admitted that the meaning of one must be reconciled with the sentiments of the others. And in this case, since the witnesses, among others, perceived Anne's intention from the account of John Del Drago, it must be presumed that John stated the matter in such a way at that time, as the same witnesses report it today. Indeed, these witnesses are not speaking of a true and proper condition imposed by Anne

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on the contract; but of the intention freely and willingly to use the faculty of divorce granted by the doctrines of the Protestant sect. 3.° Therefore, it is permissible to conclude.

[*Latin ed. p. 156*]

156 Acta Apostolicae Sedis. - Official Commentary. Regarding the statement made by John in his testimony, it is to be understood that he spoke according to his subjective persuasion, and not necessarily based on a fact that Anna had, in truth, clearly expressed this intention. Furthermore, since John is now convinced – and this is what his testimony indicates – that the marriage was null, it is not surprising that he used the legal terminology employed by jurists to signify a lack of consent on the part of one of the parties. Indeed, more than fifteen years had elapsed since the beginning of the marriage when John made this statement: could he have had a firm memory of certain words, or did Anna, as other witnesses report, simply express a mistaken opinion, or did she, as John remembers, speak of the true condition of affairs? 4.° Therefore, at most, we must say that the matter is doubtful: hence, no one can doubt that the marriage fully possesses validity in the matter at hand. Finally, the Lords have not lacked reason to defend the validity of this marriage, even if a condition had been attached. For the marriage was celebrated in Neo-Eboraci, where the law "Tametsi" did not apply; and therefore, peaceful cohabitation and spontaneous intercourse, not only after the husband's infidelity was discovered, but also for the remaining eight years, and indeed with the generation of offspring, were sufficient for the spouses to remedy the alleged lack of consent. Therefore, having diligently considered and examined all these matters, invoking the name of Christ, We, the undersigned Auditors, sitting in judgment and having only God before our eyes, declare and definitively pronounce that there is no proof of the nullity of the marriage between Mariam Paulum Boni de Castellane and Anna Gould; or, in the proposed doubt: We answer: Negatively, that is, there is no proof. We condemn the plaintiff to pay the costs of the trial. Thus we pronounce, ordering the Ordinaries of the places and the ministers of the Tribunals to whom it pertains to order the execution of this our definitive sentence, and to proceed against those who resist, according to the norms of the sacred Canons, especially chapter 3, session XXV De reform. Concil. Trid., using the executive and coercive means that may be more appropriate for the circumstances. Rome, in the seat of the Tribunal of the Holy Roman Church, on the 9th of December, 1911. Michael Lega, Dean, Presiding. Guilelmus Sebastianelli. Petrus Rossetti. Sac. T. Tani, Notary. N. B. – An appeal has been filed against the sentence. Michael Lega, Presiding.

[*Latin ed. p. 157*]

157 In Romana, Botta. Concerning the matter of the marriage of the Bal-

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timoren. Concerning the nullity of the marriage (REÍD - PARKUST). An incidental cause concerning the granting of a new instruction. The cause, "Concerning the nullity of the marriage" between Mary Reid and Frederick Parkust, was judged in the second instance by the Most Holy Office, and on June 30, 1910, a Decree was issued: "It does not appear that the marriage is null." This Royal Decree was confirmatory of another judgment, issued by the Holy Congregation for the Propagation of the Faith, and approved by the Supreme Pontiff, as is evident from the authentic document, which was sent by the same Holy Congregation to this Holy Tribunal. The attorneys for the plaintiff and the defendant requested that an appeal be instituted from this Royal Decree, and the Reverend Prelate Dean, Ponente, on August 13, 1910, issued the following response: "It shall be admitted, if and to the extent that it is legally permissible, according to the norms of the Constitution 'Dei miseratione'." However, the Defender of the Bond opposed the admission of the appeal, because the petition for appeal did not contain the reason for the requested new instruction, as required by the Benedictine Constitution, namely, "a new fact which has been omitted or ignored." Then, the attorneys for the plaintiff presented articles concerning which they requested that both old and new witnesses be heard; therefore, the Reverend Prelate Ponente, on April 4, 1911, issued the following decree: "The presentation of new witnesses shall be admitted, and the witnesses already presented shall be questioned under new articles, if and to the extent that it contributes to the discovery of the truth, after hearing the Defender of the Bond and a prior decree of the examining judge." The Reverend Father John Prior was appointed as the examining judge. He, in his decree of July 31, 1911, deemed the new instruction to be inadmissible. From this decree of rejection, the attorneys appealed to the Royal College, which, on November 29, 1911, issued the following DECREE. With regard to the law, it was considered: a) the privilege with which matrimonial causes are endowed, as stated in the Constitution "Dei miseratione" by Benedict XIV: "Always preserving and firmly maintaining the right, or privilege, of matrimonial causes, which, for whatever reason, pass into a res judicata; but if a new fact, which has not been presented..."

[*Latin ed. p. 158*]

158 Acta Apostolicae Sedis. - Commentarium Officiale. "whether it has been ignored, it must be revealed; it can be resumed and again brought into judicial controversy." The common opinion of Doctors regarding the understanding and application of such a privilege is explained by Reiffenstuel (de sent. et re iud. nn. 135-138), who says: "It remains that the judgment 'which has not become final after the lapse of ten years, can only be withdrawn by means of a complaint. The complaint can be known by the same judge who had rendered the judgment, against which the party complains, and that judge, after a complaint has been brought before him, first gives a

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summary of his knowledge, whether, in fact, there is alleged any plausible and probable cause for complaint... However, an appeal interposed, by virtue of the aforementioned privilege, always has the force of a complaint, or of an extraordinary remedy, for removing the danger to the soul, as Reiff. himself observes, I. c. nn. 118 and 137; b) therefore, it is not permissible to proceed from the second instance to the third, unless something new is revealed, that is: either a new head of accusation; or a new kind of proof; or a new document which confirms some fact or the very fact itself, to which, above all, is attributed the value and force of a reinstated accusation; always reserving the right of the parties, or of the respective Defender, even against a judgment, to appeal to the Holy See, as the Instruction of the Holy Office of June 20, 1883, § 28, warns: 'If either judgment is for the validity of the marriage, let the party impugning the marriage know that he still has the full right to appeal to the Apostolic See'; c) it is for the judge to decide whether the requested new investigation contains something new, or whether it is ordered to reveal it; as the Doctors teach, as Reiff. I. sup. c.: 'But the judge must not simply admit the complainant; but it is necessary that he first - at least in summary - inform himself of the justice of the complaint and the injustice of the judgment, and, having knowledge of the truth of the matter, he should retract the judgment': and more directly to the point, the Synopsis Pirhingiana, I. II. Decret t. XXVIII, sect. II, § 3: 'A judgment rendered to dissolve a valid marriage, or one that was rendered for a marriage as if it had been validly contracted, when in fact it was not, does not become final; but it can always be reintegrated, or dissolved, and the judgment retracted, whenever it is found to have been rendered with some error, as is clear from c. Lator. 7, h. t.; for neither the authority of the law nor of the judge, nor the consent of the parties, etc., can dissolve a valid marriage, or render an invalid marriage valid, since such a judgment would foster sin by dissolving those who are true spouses, or by joining those who are not spouses. However, not everyone should be admitted indiscriminately to..."

[*Latin ed. p. 159*]

The Roman Rota. 159 "Such a judgment must be challenged, lest too many lawsuits arise, and 'presumption shall stand as judge'; but first, the judge must, through a summary examination, determine whether there is a plausible basis for the appeal; and in our case, where the judges who decided on admitting additional evidence are the same who rendered the judgment being appealed, the same principle must apply, namely, that new evidence should not be rejected simply because it is new, but must be examined with legitimate proofs, taking into account the intention of those proofs, even though they tend to overturn the judgment rendered; d) therefore, the Reverend Father Judge Instructor did not exceed the limits of his office, even with the Rescript of the Most Reverend Prefect of the day

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of April 4, 1911, which states: 'Prior decree of the Judge Instructor'; therefore, it was his duty to carefully consider the articles and, by his decree, to admit only those witnesses whom he had found to be suitable for revealing the truth, following his own prudent judgment, as the Canon Laws allow; e) Furthermore, it was considered that the general precept of Clementine II regarding 'witnesses' prescribes that witnesses, whether the same or different, should not be admitted on the same articles, with attestations already made public, because the possibility of subornation, or some other obscuration of the truth, must always be feared, even in the stage of appeal: for it says: 'As it is not permitted to produce other or the same witnesses in the principal cause, on the same or directly contrary articles, after witnesses have been duly received, and their testimonies made public, so it should not be permitted in the cause of appeal; because subornation is to be feared as much in appeals as in the principal cause'; this precept, with due proportion, is also applicable to matrimonial causes, although they are privileged; f) Finally, it was considered that the cause cannot be acted upon in the Holy Office in a second instance, as testified by the Most Reverend Cardinal Prefect of the Congregation of the Propagation of the Faith, dated May 25, 1905: 'The Most Holy See approved and ratified the judgment of the Most Reverend Fathers who, with due deliberation, considered the doubt, proposed ex officio, and gave a negative response.' Having considered these matters in law, the Lords considered the facts: a) that nothing in the new articles contains anything new that could suggest the discovery of the truth; because in these, no new fact is presented, nor anything that was previously presumed to be unknown; therefore, the proposed articles and the witnesses presented are to be rejected. Indeed, it is clear from the silence of the Patrons that no such fact or document has been detected, and no new fact previously unknown has been presented.

[*Latin ed. p. 160*]

160 *Acta Apostolicae Sedis* – Official Commentary. b) Regarding the articles under consideration: Concerning Article L – Regarding the ignorance of Mary Reid concerning a dispensa that would nullify the marriage, nothing new is presented, unless it could be proven that the actress, through an invincible error, did not understand the essence of the act; but this is not the proof that is being sought; and furthermore, it is certain that Mary Reid never gave her consent to this marriage, specifically to the condition that the other party was baptized; for she herself stated: "No, it never entered my head." Concerning Article II – Regarding a possible error that could have occurred in the petition, concession, or annotation of the dispensa, such thorough investigations and diligence have been conducted in previous instances that it is not a matter of a new article, but rather a matter that has been so thoroughly investigated that it seemed appropriate to summon new witnesses, and to needlessly trouble

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witnesses and the judge himself, to which the rule of law in VI, XXXI applies: "He who is certain should not seek further." For it is established that in the book of marriage dispensations of the Baltimore Curia, under the year 1887, the following words are read: "On September 18th, under number 120, requested by the Reverend Chapelle, residing in Washington, a dispensa for disparity of cult was granted for Mary Reid and Frederic Parkust." This is all the more certain because other examples, or rather excerpts or transcriptions of the same formula, completely agree with the original in substance, and differ only in minor details. Therefore, whatever the proposed witnesses may say about the name of the Chancellor for the year 1887, about his diligence, about the documents kept or lost that are relevant to the present case, about the practices then in use in requesting, granting, and annotating dispensations, and about other points raised, and even if it were proven that there was no negligence in writing and preserving the aforementioned book, all of this would amount to nothing more than a doubt against the authority of this book; and if this doubt were proven, then the value of the act would stand. – Nor should the Patrons perhaps argue that new testimonies could prove that the petition was only for a dispensa for mixed religion by Mr. Chapelle: for even if this were demonstrated, it would not necessarily follow that only a dispensa for mixed religion was granted; for in these regions, for greater caution, instead of the requested dispensa for mixed religion, a dispensa for disparity of cult is sometimes granted, because it is often difficult to prove that the other party is baptized. Concerning Article III – The same observation, namely that "he who is certain should not seek further," applies to this section of the requested instruction; for the instructions that are proposed to be carried out there, if sufficiently completed, leave no hope of revealing anything new. But if an error occurred in the transcription, and a dispensa for disparity of cult was noted instead of...

[*Latin ed. p. 161*]

The Roman Rota. Regarding 161 cases of mixed religion dispensations, it seems entirely improbable; for the Reverend Monsignor Chapelle, who requested and obtained the dispensation, explicitly affirms, under oath, that he requested a dispensation from disparity of cult, and that a dispensation from disparity of cult was granted by the Baltimorensis Tribunal. Concerning points IV and subsequent sections of the instruction, it is certain that either the same articles are being considered, or the same witnesses are being heard regarding the same or new articles, and therefore, the aforementioned Clementine Constitution presents an obstacle. As for new witnesses, there is a presumption that they know nothing new; for if they were well-informed about the matter, they would already have been presented. Furthermore, in the newly proposed articles, nothing new is contained that could suggest the discovery of the truth. Whatever the wit-

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nesses may say regarding the causes for the dispensation and the precautions to be taken, one must always adhere to the validity of the dispensation; for it is certain that in this case, there was no lack of cause for the dispensation, nor of precautions: there was no lack of cause; for at least there existed that cause which is commonly referred to by Doctors writing about these matters, namely, the grave fear that the spouse, denied the dispensation, might enter into marriage before a civil magistrate or a heretical minister: there were no lack of precautions, of which, besides others, the best proof is that they were faithfully fulfilled by the non-baptized spouse. If, from the new testimonies of the witnesses, some doubt were to arise concerning these causes or precautions, always considering this doubt, one must adhere to the validity of the dispensation, and therefore, of the marriage. c) Furthermore, the Lords observed that the intention of their instruction was to reject the requested instruction, because it does not contain new arguments for the prescribed canons; therefore, the plaintiff should always be heard if she presented something new or previously unknown. Therefore, considering all these matters, both in law and in fact, on November 29, 1911, the Lords decided that the requested new instruction should not be granted, and therefore, the Judge Instructor rightly and justly rejected it. Michael Lega, Becanus, Ponens. William Sebastiani. Seraphinus Many. Franciscus Heiner. Aloysius Sincero. Joseph Mori. Frederick Cattani. Anthony Perathoner. Joseph Alberti. Peter Rossetti. Sac. Tancredes Tani, Notary.

[*Latin ed. p. 162*]

162 Acta Apostolicae Sedis. - Official Commentary. SECRETARY OF STATE, LETTERS. I. TO THE COUNT DE MUN, WHO IS IN CHARGE OF THE WORK KNOWN AS "CATHOLIC WORKERS' CIRCLES," IN HONOR OF THE BIRTH OF OUR LORD, FILIAL VENERATION WAS PAID TO THE MOST BLESSED FATHER.

Monsieur le Comte,

The Holy Father was very pleased by the filial devotion that you addressed to Him on the occasion of the Christmas festivities, on behalf of the "Catholic Workers' Circles" organization. The sentiments of ardent love for the Church and complete submission to the teachings and directives of the Holy See, which the "Catholic Workers' Circles" organization has professed with unwavering fidelity since its inception, are a most eminent reason for the particular affection of the Supreme Pontiff towards its members, and especially towards its Central Committee, as well as its most distinguished President. Therefore, it is with all His heart that His Holiness grants you all His best blessings.

Furthermore, the Holy Father expresses his wishes that the fruitful activity constantly carried out by you, Monsieur le Comte, and recently manifested with such brilliance in favor of the great interests of the Church and

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the Nation, may continue for a long time to respond to the desires of your noble soul and to the expectations of all good people.

With my congratulations and personal wishes, please accept, Monsieur le Comte, the assurance of my devoted sentiments.

January 15, 1912.

R. CARD. MERRY DEL VAL.

[*Latin ed. p. 163*]

Secretariat 163. TO THE MOST REVEREND FATHER PIUS M. BAGNOLI, BISHOP OF MARSORUM, WHO HAS INFORMED THE MOST HOLY FATHER BY LETTER THAT HE IS ABOUT TO BEGIN HIS FIRST PASTORAL VISIT.

Most Reverend and Reverend Monsignor,

From the letter which Your Eminence and Reverend Excellency has recently sent, the Holy Father has learned with pleasure the news of the imminent first Pastoral Visit that you are about to make to your diocese. A first Pastoral Visit truly constitutes a significant event for the flock that receives it, and which, animated by a spirit of true faith, recognizes in the Prelate who blesses it, the envoy of the Lord to guide it in the way of eternal salvation.

His Holiness, to whom the piety of the clergy and the people of Marsorum is well known, does not doubt that the faithful of this diocese will benefit from this new grace, which the Lord is offering them through the person of Your Excellency, and that, with due docility, they will open the way for their Bishop to pour forth those spiritual benefits of which a first Pastoral Visit, made with paternal charity and received with a filial heart, cannot fail to be fruitful.

And that such may be the case, with the help of God, the Holy Father cordially grants to you, to your companions, to the clergy, and to the entire people of the diocese, the desired Apostolic Blessing, a pledge of the Blessing of God and an auspicious sign of the necessary heavenly aids.

With sentiments of sincere esteem, I proceed, after this, to reaffirm myself.

29 January 1912.

Your Eminence and Reverend Excellency's Servant,

R. CARD. MERRY DEL VAL.

[*Latin ed. p. 164*]

164 Acta Apostolicae Sedis. - Official Commentary. III. TO THE REVEREND FATHER DOM AUGUSTE DUBOURG, ARCHBISHOP

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OF RHEDONENSI, AFTER THE SYNOD HELD LAST YEAR IN THE ARCHDIOCESE OF RHEDONENSI. My Lord, The Holy Father has learned with great interest of the documents of the Diocesan Synod held last year in Rennes under the presidency of Your Eminence. Prepared with judicious care, elaborated and discussed with wise freedom, and subsequently sanctioned by Your Eminence's authority, these synodal constitutions can only powerfully contribute to the maintenance of discipline and the spiritual well-being of the clergy and the faithful of your great and beautiful diocese. These consoling results will have been due, after God, to the zeal, prudence, and unceasing activity that Your Eminence displays in the fulfillment of the noble and weighty office. The Supreme Pontiff is pleased to express to you His high satisfaction, granting you, from the depths of his heart, the Apostolic Blessing for yourself and all your diocesans. With my thanks and personal congratulations, I beg you, My Lord, to accept the expression of my devoted sentiments in Our Lord. February 15, 1912. R. CARD. MERRY DEL VAL. IV. TO THE REVEREND FATHER HUMBERT EVEREST, O.P., PREFECT OF THE ENGLISH PROVINCE OF THE DOMINICAN FATHERS, REGARDING THE EXEMPLARY FIRST VOLUME OF THE SUMMA THEOLOGICA OF SAINT THOMAS AQUINAS, TRANSLATED INTO ENGLISH, REVERENTLY PRESENTED TO THE MOST BLESSED FATHER. Reverend Father, Know that the Most Blessed Father has been deeply moved by your generous gift, as you recently sent to Him the first volume of the Summa Theologica of Saint Thomas Aquinas, translated into English, a work which you have wisely arranged to be made available to the esteemed members of this Province. I say wisely, because to make the writings of Aquinas known is entirely the same as to spread the most important knowledge of human and divine matters, and

[*Latin ed. p. 165*]

Diarium Romanae 165 Curiae. To all those who desire to know, it offers the best method of philosophizing, both for opening and illuminating sacred truths, and for refuting errors most effectively. This sufficiently demonstrates that you have undertaken labors worthy of truly religious men, worthy of Dominican brethren. Happily, so that these may occur and bear abundant fruits, the August Pope, in return for the volume offered, with most pleasing will, imparts to you and to the brethren whose works are contained therein, the Apostolic Benediction, with the favor of heavenly blessings, most affectionately. I also embrace your humanity and, as is fitting, offer thanks for another copy of the same volume presented to me, and I acknowledge my filial devotion to you in Rome, on the 24th of February, 1912. Most devotedly, R. CARD. MERRY DEL VAL.

DIARIUM ROMANAE CURIAE

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SACRA CONGREGAZIONE DEI RITI

CONGREGAZIONE ORDINARIA.

On the 27th of February, 1912, in the Apostolic Palace of the Vatican, the Ordinary Congregation of the Sacred Rites was held, in which the following matters were presented to the judgment of the Most Reverend Cardinals who comprise the same, for consideration:

I. Introduction of the Cause of Beatification and Canonization of the Servant of God, Sister Angela Maria della Concezione, Reformer of the Nuns of the Order of the Most Holy Trinity.

II. Resumption of the Cause of Canonization of the Blessed Gregory Barbadico, first Bishop of Bergamo, and then of Padua.

III. Granting and approval of the proper Office and Mass, as well as the elogium to be inserted in the Martyrology, in honor of the Blessed Bonaventura Tornielli, professed Priest of the Order of the Servants of Mary.

IV. Revision of the writings of the Servant of God, Father Emmanuele Ribera, of the Congregation of the Most Holy Redeemer.

[*Latin ed. p. 166*]

166 Acta Apostolicae Sedis. - Official Commentary. V. Revision of the writings of the Servant of God, Brother Scubilione, of the Congregation of the Brothers of the Christian Schools. VI. Revision of the writings of the Servants of God, Isaac Jogues, Priest, professed of the Society of Jesus, John Brébeuf, and companions. SECRETARY OF STATE. BY ORDER. With letters from the Secretary of State, the Holy Father deigned to appoint: February 16, 1912. — The Most Reverend Cardinal Gaetano Bisleti, Protector of the Religious Sisters of St. Mary of the Angels of Angers. February 17. — Monsignor Salvatore Talamo, Consultor of the Sacred Congregation of Studies. February 19. — The Honorable Marquis Francesco Serlupi, His Major Gentleman-in-Ordinary. With letters and Briefs from the Secretary of State, the Holy Father deigned to appoint: Assistant at the Papal Throne: February 9, 1912. — Monsignor Carmelo Pujia, Archbishop of Santa Severina. Apostolic Protonotaries, as if participating: February 20, 1912. — The Reverend Giorgio Guglielmo Herr, Parish Priest of Santa Maria in the archdiocese of Dubuque. February 22. — The Reverend Giovanni Coulondre, General Vicar of the diocese of Montpellier. Apostolic Protonotaries titular: February 9, 1912. — Monsignor Francesco Carinci, Archdeacon of the Cathedral of Veroli. Domestic Prelates of His Holiness: January 26, 1912. — The Reverend Ciriaco Candacurry, General Vicar of the Apostolic Vicariate of the Siro-Malabar Christians of Changanacherry. February 13. — The Reverend Dugaido M. Mac Donald, Parish Priest in the diocese of Char-

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lottetown (Canada).

[*Latin ed. p. 167*]

Diarium Romanae Curiae. 167, 15 Februarii, 1912. — Reverendissimus Dominus Iosephus Luzuy, Vicarius Generalis dioecesis Clermont-Ferrand. 20 Februarii — Reverendissimus Dominus Ioannes Bruneau, Vicarius Generalis dioecesis Clermont-Ferrand. 24 Februarii. — Reverendissimus Dominus Aristides Botti, Vicarius Generalis et Canonicus Cathedralis Faenae.

HONORES. Cum litteris et Brevibus a Secretariatu Status, Sanctissimus Pater dignatus est conferre honores sequentes:

Commendationem Ordinis Sancti Gregorii Magni, classe civili: 15 Februarii, 1912. — Domino Carlo Deschamps, notario in Rouen.

Commendationem Ordinis Sancti Sylvestri Papae: 18 Februarii, 1912. — Domino Ing. Aristide Leonori de Roma. 20 Februarii — Domino Sélim Amboury Bey, de Damasco. 24 Februarii. — Domino Doctore Henrico Szarski, Vice-praesidi Concilii Municipalis Cracoviae.

Equitatum Ordinis Sancti Gregorii Magni, classe civili: 16 Februarii, 1912. — Domino Petro Mouchet de Battefort, Comiti Laubespin, archidioecesis Rennes. 20 Februarii. — Domino Paulo Baugas, Professore Juris in Universitate Catholica Angeri. — Domino Leone Francisco M. Philouze, Directore « Journal de Maine-et-Loire » in eadem urbe. 23 Februarii. — Domino Barone Carlo de Pelleport Burète, de Burdigala. 27 Februarii. — Domino Advocato Fernando Daudet, de Nîmes.

Equitatum Ordinis Sancti Sylvestri Papae: 20 Februarii, 1912. — Domino Pio Leonori, de Roma. 22 Februarii. — Domino Alexandro de Vichet, Directore « Éclair » de Montpellier. 24 Februarii. — Domino Advocato Raimundo Chanoine-Davranches, de Rouen.

Cum litteris a Secretariatu Status, Sanctissimus Pater dignatus est nominare:

Camerarios Secretos Supernumerarios Sanctitatis Suae: 31 Ianuarii, 1912. — Reverendissimum Dominum Ioannem Rihánek, archidioecesis Pragae, 9 Februarii. — Reverendissimum Dominum Iulium de Lescluze, archidioecesis Malinae. — Reverendissimum Dominum Franciscum Kerner, dioecesis Königgrätz.

[*Latin ed. p. 168*]

Acta Apostolicae Sedis. – Official Commentary. February 9, 1912. – The Reverend Giovanni Corti, Official of the Holy Congregation for the Propagation of the Faith. February. – The Reverend Arcangelo Rosati, of the diocese of Gubbio. Chamberlain of honor in violet attire: February 3, 1912. – The Reverend Luigi Monticelli, of the diocese of Alife. Secret Chamberlain of honor: February 7, 1912. – The Reverend Armando Cavallini, of the archdiocese of Pisa. Chaplains of honor outside of Rome: January 31, 1912. – The

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Reverend Domenico Rodinò-Toscano, of the diocese of Mileto. February 3. – The Reverend Francesco Mazzarella, of the diocese of Alife. NECROLOGY. February 28, 1912. – Monsignor Edmondo Stonor, titular Archbishop of Trebizond.

[*Latin ed. p. 169*]

Year IV. - Volume IV. March 15, 1912. No. 5

ACTA APOTOLICAE SEDIS: OFFICIAL COMMENTARY

ACTS OF THE SUPREME PONTIFF

LETTERS ISSUED UNDER THE PAPAL SEAL.

CONCERNING THE ASSIGNMENT OF THE DIACONATE OF SAINT MARY IN DOMNICA.

PIUS, BISHOP, SERVANT OF THE SERVANTS OF GOD, TO

OUR BELOVED SON BASIL, CARDINAL-DEACON OF SAINT MARY IN DOMNICA, OF THE HOLY ROMAN CHURCH, NAMED POMPILUS, GREETINGS AND APOSTOLIC BENEDICTION.

Since We, with the counsel of Our Venerable Brothers, the Cardinals of the Holy Roman Church, and with the fullness of Our Apostolic authority, have raised you to the dignity of Cardinal-Deacon in the same Holy Roman Church, and desiring, as reason dictates, to adorn you with the proper title of Cardinal-Deacon, We have decreed to assign to you, and to entrust entirely to you, the church of Saint Mary in Domnica, which is the designation of the Cardinal-Deacon, and which was presided over by Aloysius, of good memory, Cardinal-Deacon of the same Holy Roman Church, known as Tripepi, who departed this life, having fulfilled his earthly duty in the Roman Curia.

Indeed, Our Predecessor, the blessed and eternal memory of Pope Clement X, with the consent of the Cardinal-Deacon of Saint Mary in Domnica at that time, benignly granted to the Basilian monks of the Greek-Melkite Congregation of Saint John the Baptist in Soario, on Mount Lebanon, that they might have, in the aforementioned church, and in the house attached to it and belonging to them, a seat where they would establish a monastic college, for the promotion, preservation, and propagation of the Catholic religion among the Melkite Greeks in Syria,

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and that they might daily offer divine praises.

[*Latin ed. p. 170*]

170 Acta Apostolicae Sedis. - Official Commentary. they would complete it there. However, since, for various reasons, this plan could not be brought to fruition, nor could a suitable hospice be erected in the aforementioned place, in more recent times, the same church was granted to the Procurators of the Melkite-Soarite Congregations of Baladita and Aleppo. We, having thoroughly learned that in the region of Coelimontana and near the aforementioned church of Santa Maria in Domnica, a considerable multitude of the Christian people has gathered, which follows it with singular piety and devotion, while We entrust this Diaconate to you, beloved Son, We also wish, as is the most sacred duty of Our office, that it may again shine with the splendor of divine worship and contribute to the spiritual well-being of the faithful living in the vicinity, and that this be accomplished through the efforts of priests who are chosen for this particular purpose. Therefore, those who have held the care and custody of the aforementioned church until this day and who have resided in a dwelling attached to the church building, must transfer their residence elsewhere; for the aforementioned benefits, granted at one time by Our Predecessors, the Roman Pontiffs, concerning the Diaconate of Santa Maria in Domnica, or in Dominica, are now void and will have no further validity. Therefore, with the counsel of Our Venerable Brothers, the Cardinals of the Holy Roman Church, and with the fullness of Apostolic authority, We grant and assign to you, beloved Son, the aforementioned Diaconate of Santa Maria in Domnica, or in Dominica, with all its chapels, houses, buildings, goods, properties, possessions, members, appurtenances, fruits, revenues, rights, jurisdictions, for the purpose of your Cardinalate, and We appoint you as Cardinal Deacon of the church of Santa Maria in Domnica, or in Dominica, fully entrusting to you the care, governance, and administration of the same church, both in spiritual and temporal matters; so that it may be permissible for you, or for another or others in your name, with your own authority, freely to take possession of, or quasi-possession of, the governance and administration of the same church, and of the aforementioned rights, jurisdictions, and appurtenances, and to retain them, and to govern and fully administer the church of Santa Maria in Domnica, or in Dominica, in the same spiritual and temporal matters, as Cardinal Deacons who have previously presided over it were able, or even ought to have been able, to govern it. Therefore, beloved Son, it will be your duty to ensure that divine worship flourishes again in the aforementioned church, and to cooperate with our beloved Son, the Cardinal Vicar in the City, in providing for the general spiritual well-being of the surrounding Christian people, and if necessary, to establish a religious order there for the care of souls. Therefore, concerning the aforementioned care and administration, which We entrust to your consideration through

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these Apostolic documents.

[*Latin ed. p. 171*]

From the Acts of Pope Pius X, No. 171: We command that you diligently, faithfully, and prudently strive to exercise your office, so that the Church of Santa Maria in Domnica, or in Dominica, may enjoy a provident and vigilant administrator, and that you, in addition to the reward of eternal recompense, may deserve to obtain Our blessing and the abundant grace of the Apostolic See. Furthermore, by these present letters, we command our beloved son, the Rector elected for the same Church of Santa Maria in Domnica, or in Dominica, and to all other persons subject to you for reasons pertaining to that Church, that they obey you; otherwise, the penalties which you shall establish against those who rebel will be considered valid and will be enforced, with the authority of the Lord. And moreover, so that you may be able to better serve the dignity and splendor of the Cardinalate, by Our own initiative and out of pure liberality, and by the fullness of Apostolic power, We grant to you, even after you have acquired peaceful possession or quasi-possession of the administration and governance of the aforementioned Church of Santa Maria in Domnica, or in Dominica, and of its goods, if any, together with that which you hold as long as you preside over it, the faculty freely and lawfully to retain all and each other offices and benefices, which you obtain from any Apostolic concessions or dispensations, or in which, or to which, you have any right in any way, and to exercise the right pertaining to you in those things, or to those things, as long as you live, notwithstanding any Apostolic constitutions or other contrary provisions. Given at Rome, near Saint Peter's, in the year of Our Lord nineteen hundred and eleven, on the thirtieth day of the month of November, in the ninth year of Our Pontificate.

A. CARDINALIS AGLIARDI, S. B. E.

Chancellor.

Raphael Virili, Apostolic Prothonotary.

Ludovicus Schüller, Apostolic Prothonotary.

Paulus Pericoli, Assistant in the Chancery of the Apostolic See, for studies.

Alfridus Marini, Plumber.

[*Latin ed. p. 172*]

172 Acta Apostolicae Sedis. - Official Commentary. APOSTOLIC LETTERS. I. A SODALITY IN HONOR OF ST. CHRISTOPHER IS ERECTED INTO AN ARCHISODALITY WITH THE FACULTY OF AGGREGATING EVERYWHERE ON EARTH. PIUS PP. x. For the perpetual memory of the matter. - We, with particular benevolence, gladly

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foster Christian associations, conspicuous for their number and excellence, and widely spread among all nations, which, above all, propose the worship of God and the Saints, and also consider the integrity of men, both of soul and body, and, according to the custom and institution of the Roman Pontiffs, we adorn them with honors and privileges. Therefore, it pleases Us to learn that a sodality in honor of St. Christopher exists in the parish church commonly called "St-Christophe le Jajolet," located within the diocese of SÃ©ez, which was founded as far back as the year 1839, and which especially intends that travelers and all others who, by their way of life or by the nature of their location, are subject to all kinds of dangers, may commend themselves and their belongings to the Blessed Christopher, the best Patron of those in danger, and trust in Him. The usefulness of this sodality is especially evident in our times, when men have progressed to the point that they travel not only by land and sea, but also through the air, and thus are often brought to the brink of life and death. Therefore, it is not surprising that such an association, rightly approved by many sacred prelates, embraces a large number of members, and is daily spreading more and more, both in Europe, and in Asia, and even in the distant Americas. For men who expose themselves to these dangers affix a coin, bearing the image of the Blessed Christopher, to their vehicles, as if to seek the help of the Holy Patron, and they enroll themselves as members of the same association without interruption. Since these things are so, having graciously accepted the wishes of the Venerable Brother Claude Bardel, Bishop of SÃ©ez, and wishing to please him and his people, we believe that the same sodality, as mentioned above, should be increased in honors and privileges with a generous spirit. Wherefore, by these Letters, by Our Apostolic Authority, We erect and establish the sodality under the title of St. Christopher, canonically instituted in the parish church of the place commonly called "St-Christophe le Jajolet" in the diocese of SÃ©ez, into an Archisodality with the usual privileges, permanently. To the officials and members, both present and future, of the Archisodality thus erected,

[*Latin ed. p. 173*]

173 The acts of the Most Holy Pope X, so that he may freely and lawfully aggregate, and communicate to them all and each of the indulgences, remissions of sins, and relaxations of penances granted to said Sodality, as to the Arch-Sodality erected by Us, already granted by this Holy See, and those which may be granted to others, all other sodalities of the same name and institution, existing everywhere on earth, provided that the Constitution of Our Predecessor, Pope Clement VIII, and other Apostolic ordinances issued above, are observed. By the present authority of Our Apostolic See, We grant and bestow this perpetually. We decree that these Our letters shall always exist and be valid and efficacious, and shall fully and completely produce their intended effects, and shall fully support those to whom they

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pertain, now and in the future, in all things and through all things; and that, accordingly, in all matters concerning these things, they ought to be judged and decided by any ordinary or delegated judge, and shall be null and void if, by anyone, knowingly or unknowingly, any attempt is made to contravene them, notwithstanding all Apostolic Constitutions and ordinances, even those deserving of special and individual mention and derogation, and all other things to which the contrary may be alleged. Given in Rome, at St. Peter's, under the Fisherman's ring, on the eighth day of February, 1912, in the ninth year of Our Pontificate. R. CARD. MERRY DEL VAL, L. S., Secretary of State. THE SODALITY UNDER THE TITLE "NOTRE-DAME DE SUPRÊME PARDON" IS ERECTED AS AN ARCH-SODALITY WITH THE FACULTY OF AGGREGATING THROUGHOUT FRANCE. PIUS PP. X. For the perpetual memory of this matter. - We adorn with honors and privileges, with a willing heart, those Sodalities that strive to promote the cult of the Virgin Mother of God. Therefore, We have been informed that in the church of St. Mauritius, commonly called "de Chiddes," in the diocese of Nevers, there exists a pious confraternity of both sexes of the Christian faithful, which, under the title "Notre-Dame de Suprême Pardon," was canonically established on April 12, 1896, and which aims above all to increase the Christian religion towards the Mother of Mercy day by day. We, in order that such an association may receive greater growth in God, and with the benevolent acceptance of the wishes of the Bishop of Nevers, grant it, as desired.

[*Latin ed. p. 174*]

Acts of the Apostolic See. - Official Commentary. We gladly grant and confirm the titles and rights. Therefore, by these Letters, with Our Apostolic Authority, We establish and constitute, in the manner customary for such institutions, the Brotherhood under the name commonly known as "Notre-Dame de Suprême Pardon" within the church of Saint Mauricius in Chiddes, located within the diocese of Nevers, as an Arch-Brotherhood, permanently and with all its usual privileges. To the Officials and Members, present and future, of this Arch-Brotherhood thus established, We grant and concede, by Our Authority, that they may lawfully and validly associate and unite with other Brotherhoods of the same institute canonically existing throughout the Gallic territory, observing the form of the Constitutions of Pope Clement VIII, Our Predecessor, entitled "Quaecumque a Sede Apostolica," and other Apostolic Ordinances promulgated above, and that they may communicate to this Arch-Brotherhood, established by Us, all and each of the indulgences, remissions of sins, and relaxations of penances granted by the Apostolic See, and which may be granted to others. Finally, We grant this, provided that there is no other Brotherhood of the same title in Gallus that enjoys the same honor and privileges. We decree that these Our Letters shall always exist and be valid and effective, and

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shall fully and completely produce and obtain their intended effects, and that they shall fully support those to whom they apply, now and in the future, in all things; and that, accordingly, the foregoing shall be judged and determined by any ordinary or delegated judge, and that it shall be null and void if, by anyone, knowingly or unknowingly, any attempt is made to contravene it, contrary to all other Apostolic Constitutions and Ordinances, and all other provisions, even those of special and individual merit. Given at Rome, near Saint Peter, under the Fisherman's Ring, on the twenty-eighth day of February, 1912, in the ninth year of Our Pontificate. R. CARD. MERRY DEL VAL, Secretary of State. L. © S.

[*Latin ed. p. 175*]

SACRED CONSISTORY CONGREGATION CONCERNING THE INTERAMNA AND NARNI DIOCESES. REGARDING THE METHOD OF CONVENING A CHAPTER TO ELECT A CHAPTER VICAR. By Apostolic Letters entitled "Cogitantibus nobis" dated April 12, 1907, the Most Holy Pope Pius X united the episcopal sees of Interamna and Narni as principal sees. Furthermore, since it was decreed: "...we decree that whenever the common episcopal see becomes vacant, the same Chapters, being assembled in one place, shall have the right to elect a common Chapter Vicar according to the prescriptions of the Sacred Canons," the following questions arose, which were proposed to this Sacred Congregation for resolution in order to prevent difficulties in the future, namely:

I. Whether, when the see is vacant, the right to convene and preside over the Chapter for the election of a Chapter Vicar belongs to the prior of the Interamna Chapter, or to the archpriest of the Narni Chapter, or to both;

II. Whether, when the priorate or archpriestate is vacant, the aforementioned right of convocation passes to the canonical dean of the respective Chapter, or rather, whether it passes to the non-vacant dignity of the other Chapter;

III. Whether the convocation must be held in the episcopal city of the one who convenes the Chapter, or whether he himself can convene the Chapter wherever he deems it best;

IV. Whether all canons and dignitaries of both Chapters must be convened, without regard for the different numbers of those present in either Chapter, or whether only as many from one Chapter as are present in the other.

After the opinion of the Consultor was requested, and after all matters were considered, the Sacred Congregation decided to respond to the proposed questions as follows: to I, it pertains to both dignities, alternating in turn, beginning with the first dignity of the Interamna Chapter; to II, affirmatively to the first part, and negatively to the second part; to III, the

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Chapter must be convened in the episcopal city of the dignity or canon who convenes; to IV, all must be convened.

All of which, after being reported, were presented to the Most Holy Pope Pius X.

[*Latin ed. p. 176*]

Acts of the Apostolic See. - Official Commentary. On the 9th of February, 1912, the undersigned Cardinal, Secretary of this Sacred Congregation, with the approval and confirmation of the Most Holy Father, approved and confirmed the following. In Rome, from the offices of the Sacred Consistorial Congregation, on the 19th of February, 1912. C. CARD. DB LAI, Bishop of Sabina, Secretary. L. © S. Scipio Tecchi, Assistant. CONCERNING LIMERICK. REGARDING THE CATHEDRAL CHURCH AND ITS CHAPTER. By Decree of the Sacred Consistorial Congregation of the 7th of January, 1912, the Most Holy Pope Pius X elevated and raised the church of St. John the Baptist in the city commonly called Limerick to the dignity and status of a cathedral church, perpetually, with the same rights and privileges as the old cathedral church, which was occupied by heretics two centuries ago, and there established a cathedral chapter, consisting of the same dignities and canonries as that old church, with the addition of the titles and offices of a canon theologian and a penitentiary. In Rome, from the Secretariat of the Sacred Consistorial Congregation, on the 10th of March, 1912. Scipio Tecchi, Assistant. III. PISA AND S. MINIATI. REGARDING THE ALTERATION OF CERTAIN BOUNDARIES. By Decree of this Sacred Consistorial Congregation of the 12th of January, 1912, the Most Holy Pope Pius X permanently separated the places commonly called Carratello and Yalibranci, as well as the territory which is enclosed by the stream of Tora and the Via Emilia up to the bridge of Santoro, from the parish of Fauglia and from the diocese of S. Miniati, to which they were previously subject, and attached them to the parish of Colle Salvetti and to the archdiocese of Pisa, so that the boundaries of the parishes commonly called Fauglia and Colle Salvetti, as well as the dioceses of Pisa and S. Miniati, are entirely the same as the current civil boundaries which exist between the municipalities of Tauglia and Colle Salvetti. In Rome, from the Secretariat of the Sacred Consistorial Congregation, on the 10th of March, 1912. Scipio Tecchi, Assistant.

[*Latin ed. p. 177*]

Sacred Congregation of Rites. 177. SACRED CONGREGATION OF RITES. I. ORDER OF PREACHERS. CONCERNING THE PRIVILEGE OF CARRYING OUT A PROCESSION WITH THE MOST HOLY SACRAMENT. At the mandate of the Most Reverend Father Hyacinth Maria Cormier, Master General of the Order of Preachers, the Most Reverend Father Maria Henry Desqueyrous, General Procurator of the same Order, humbly requested the Most Holy Pope Pius X, with fervent prayers, to

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grant their Order the privilege that had been conceded to it by Saint Pius V and confirmed by the Supreme Pontiffs Clement VIII and Benedict XIII, namely, to transfer the procession in which the Most Holy Sacrament of the Eucharist is carried, which is normally held on the Sunday within the Octave of the Solemn Commemoration of the Most Holy Body of Our Lord Jesus Christ, to the first Sunday after said Octave; provided that, according to the most recent Decree of the City and the World, dated June 24th of the preceding year, the solemn procession with the Most Holy Sacrament, which is prescribed in the Ceremonial of Bishops, book II, chapter 33, must be carried out everywhere on the Sunday within the Octave of the Solemn Commemoration of the Most Holy Body of Our Lord Jesus Christ. Furthermore, His Holiness, upon the recommendation of the undersigned Cardinal Prefect of the Sacred Congregation of Rites, graciously granted the Brothers of the aforementioned Order, that they may institute a procession with the Most Holy Eucharist on the first Sunday after the Octave of Corpus Christi, in precisely the same manner in which the Roman Pontiffs had granted the same Order the faculty to carry out said procession on the Sunday within the Octave of the aforementioned Solemnity. Notwithstanding any contrary provisions. February 28, 1912. Fr. S. CARDINAL MARTINELLI, Prefect. L. © S. f. Peter La Fontaine, Bishop, Secretary. II. DOUBTS. The following doubts were presented to the Sacred Congregation of Rites for a suitable solution: Namely: I. During the year 1912, on Sundays in which, according to temporary prescriptions, the Missa lecta may be celebrated, either on a feast of double rank.

[*Latin ed. p. 178*]

Acts of the Apostolic See. - Official Commentary.

I. When a major or minor feast, or a Sunday, occurs, should the color used in the Mass of Sunday be that indicated for the feast occurring on that day, according to the Calendar?

II. In the year 1913, the Sunday of Septuagesima occurs on January 19th. Therefore, should the Sunday after the Epiphany be anticipated? And when in the Universal Calendar, each day of the week is impeded by feasts of major or minor rank, except for the 16th day on which a feast of minor rank occurs, and in many particular calendars, no day is free from a feast of major rank; is it asked whether the aforementioned Sunday in the Universal Calendar should be anticipated throughout the Office, as previously, on January 16th, and in particular calendars, by a simple commemoration on January 18th?

III. Since temporary regulations have granted Ordinary and Superiors of Religious orders the faculty of removing from their own calendars feasts of the Blessed Virgin Mary or of Saints of major or minor rank, which are assigned to Sundays; is it asked whether they enjoy the same faculty with regard to fixed particular feasts granted by the Holy See, or is it necessary

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to refer the matter to the Sacred Roman Congregation?

And the Sacred Congregation of Rites, after considering the report of the undersigned Secretary, having heard the opinion of the Liturgical Commission, and after careful examination, decided to respond as follows:

To I. Negatively; and the Missa Dominicalis, as well as the Missa ferialis, should always retain its proper color.

To II. The Office of the Sunday after the Epiphany, which is impeded, can be anticipated on Saturday or on another preceding weekday, on which a feast of minor rank occurs. If no feast of minor rank occurs within the week, it should be anticipated on Saturday, or on another preceding weekday, even if a feast of major rank occurs.

To III. Negatively, and in each case, the matter should be referred to the Sacred Congregation of Rites.

And thus it responded, on March 2, 1912.

Fr. S. CARD. MARTINELLI, Prefect of the Sacred Congregation of Rites.

L. © S. f. Petrus La Fontaine, Bishop of Charysteien, Secretary.

[*Latin ed. p. 179*]

Sacred Congregation of Rites. 179 III. FROM CUENCA. CONCERNING THE BEATIFICATION AND CANONIZATION OF THE VENERABLE SERVANT OF GOD, SISTER ANGELA MARY OF THE IMMACULATE CONCEPTION, REFORMATRESS OF THE ORDER OF THE MOST HOLY TRINITY. Angela Mary of the Immaculate Conception, born in the town of Cantaiapiedra in the diocese of Salmanca, on March 1st of the year 1649, endowed with excellent natural gifts and a disposition inclined towards virtue, when she was thirteen years of age, made a vow of chastity and of religious life. Soon after, having clearly perceived the divine will, she entered the Campi Sanctissimae Trinitatis religious community of Metymnos. She restored the religious order, which had suffered many hardships, to its original, stricter observance, with the approval of Innocent XI, and she reformed it among the nuns, so that she justly became known as the Reformatress. The fragrance and fame of her virtues, after her death, which occurred on April 13th of the year 1690, when they were increasing day by day, led to inquiries conducted by the Ordinary authority in the ecclesiastical court of Cuenca, which were transmitted to the Sacred Congregation of Rites. Therefore, at the urgent request of the Most Reverend Father Antonino, Minister General of the Order of the Most Holy Trinity of the Calced, and Promoter of the Cause, and after considering the petitions of certain Eminences of the Sacred Roman Church, Cardinals, and of many Most Reverend prelates, as well as of the superiors of orders or congregations, together with the entire clergy and people of the diocese of Cuenca, and the entire family of the reformed nuns of the Order of the Most Holy Trinity, the Eminent and

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Most Reverend Lord Cardinal Joseph Calasanctius Vives y Tuto, Promoter of this Cause, in an Ordinary meeting of the Sacred Congregation of Rites held on the designated day at the Vatican, proposed the following question for discussion: Whether a Commission for the Introduction of the Cause should be appointed in this case and for the purpose of which we are speaking? And the Eminent and Most Reverend Fathers, Prefects of the Sacred Congregation for the Propagation of the Faith, after hearing the report of the Eminent Promoter, and after hearing the voice and written opinion of the Reverend Father Alexander Verde, Promoter of the Holy Faith, after carefully considering all matters, judged it fitting to respond: Affirmative, that is to say, that the Commission should be appointed, if it pleases the Most Holy [Pope]. On February 27th, 1912. Subsequently, a report on these matters was made to Our Most Holy Lord Pope Pius X by the undersigned Cardinal Prefect of the Sacred Congregation of Rites, and His Holiness, approving the decree of the same Sacred Congregation, appointed the Commission for the Introduction of the Cause of beatification.

[*Latin ed. p. 180*]

180 Acta Apostolicae Sedis. - Official Commentary. And the canonization of the Venerable Servant of God, Sister Angela Maria of the Conception, Reformer of the nuns of the Order of the Most Holy Trinity, was signed by her own hand on the 28th of the same month and year. L. © S. Fr. S. CARD. MARTINELLI, Prefect. . f Petrus La Fontaine, Bishop of Chariestien, Secretary. IV. VENICE OR PADUA. CANONIZATION OF BLESSED GREGORY, CARDINAL BARBADICUS, FORMERLY BISHOP OF BERGAMO, LATER OF PADUA. Gregory Barbadicus, born in Venice of a noble family on September 18, 1625, from his earliest years, he composed his manners with modesty and piety. Being quick of mind, he excelled among his peers in liberal and philosophical disciplines. Called to the ecclesiastical state, he was initiated with the first tonsure by Mauro, Patriarch of Venice, in the year 1655, and promoted through the ranks to the priesthood. Afterwards, having resigned the canonry of Padua, he was also enrolled among the Referendaries of both Signatures and among the domestic Prelates. While a pestilence ravaged Rome, Gregory, prefect of the Trans-Tiber region, performed this office rightly and piously. Appointed to govern the Church of Bergamo by the Supreme Pontiff Alexander VII, on July 29, 1657, he was consecrated Bishop in Rome, in the Church of St. Mark. After a little more than seven years, he was transferred to the See of Padua, which he held and governed for more than thirty years. Adorned and enriched with the insignia of the episcopate and the sacred purple, in the exercise of his pastoral ministry, he proposed St. Charles Borromeo as his model, and wonderfully reproduced and expressed his image. Meticulously formed according to the example of Gregory, he promoted the worship of reli-

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gion, the observance of ecclesiastical discipline according to the decrees of Trent, and abundant charity towards the poor, by word and example. He extended the care of his solicitude not only to his own, but also to outsiders, as well as to heretics, Jews, and pagans. For the honor and increase of piety, doctrine, and the sacred ministry, he established several societies of priests and young men, and also expanded the Patavian Seminary and the Athenaeum of literature and sciences, which was moved from the old building to a more convenient location, increasing it with statutes and annual endowments. Finally, on June 18, 1697, broken by labors and illnesses, rich in virtues and merits, he migrated to heaven for eternal glory.

[*Latin ed. p. 181*]

Sacred Congregation of Rites. In the year 181, the crown was to be received from the Prince of Pastors. Following the death of the aforementioned holiness, necessary and appropriate investigations were conducted, both by ordinary and by apostolic authority, and after being duly completed and proven, the Venerable Servant of God, Gregory Barbadus, shining with heroic virtues and miracles, was, by the Apostolic Letters in the form of a Brief, on September 11th of the year 1761, by Pope Clement VIII, placed among the blessed in Heaven, with the solemnities of Beatification celebrated in the Patriarchal Basilica of the Vatican during the same month. Now, from that most auspicious day, the cult and devotion of the faithful to the Blessed constantly increased, also through frequent visits to the tomb which is religiously guarded in the Cathedral of Padua; and also, certain miracles, through the intercession of the Blessed, are said to have been divinely wrought after the veneration granted to Him. Moved by all these reasons, the promoters of the cause diligently endeavored to promote the cause of his canonization, taking advantage of the anniversary of the Beatification in the year 1911, which was solemnly completed with sacred ceremonies. Therefore, at the urgent request of the Most Reverend Lord Scipione Tecchi, Canon of the Patriarchal Archbasilica of the Lateran, legitimately appointed by the College of Cardinals as Secretary and promoter of the cause, and with the attentive following letters of petition from certain Eminences of the Holy Roman Church, Roman Bishops, as well as Chapters or Canons of the Cathedrals of the dioceses of Padua and Bergamo, and other clergy, the Most Eminent and Reverend Lord Cardinal Franciscus a Paula Cassetta, Bishop of Frascati, as Promoter or Relator of this Cause, convened in the Ordinary Assemblies of the Sacred Congregation of Rites in the Vatican on the designated day, and proposed the following question for discussion: Whether a Commission for the Canonization Cause should be appointed in this case and for the purpose of which we are speaking? And the Most Eminent and Reverend Fathers presiding over the Sacred Rites, after the report of the aforementioned Cardinal Promoter, and after hearing the Reverend Father Alexander Verde, Promoter of the Holy Faith,

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having carefully considered all things, decided to respond: Affirmative, that is, that the Commission should be appointed, if it pleases the Most Holy. February 27, 1912. With all of the above related to the Most Holy Lord, our Pope Pius X, by the aforementioned Cardinal Prefect of the Sacred Congregation of Rites, His Holiness, having approved the decree of the aforementioned Sacred Council, deigned to sign the Commission for the Canonization Cause of the Blessed Gregory Barbadus, Confessor Bishop, on the 28th of the same month and year. Fr. S. CARD. MARTINELLI, Prefect of the S. R. C. f. Petrus La Fontaine, Bishop of Charystien, Secretary.

[*Latin ed. p. 182*]

182 Acta Apostolicae Sedis. - Official Commentary. ALLARO, ROME, ROTA OF OSNABRÜCK. NULLITY OF MARRIAGE (HARCK-GÄRTNER). Under the blessed reign of Pope Pius X, in the ninth year of his pontificate, on January 11, 1912, the Most Reverend Fathers, Francis Heiner, President; John Prior, and Aloysius Sincero, Auditors, in the case of "Osnabrück. - Nullity of Marriage," at the request of the Defender of the Bond of Osnabrück, between Minna Martha Harck, represented by her legitimate procurator, C. H. Pezzani, advocate, and Theodorus Gärtner, the spouse, with the Defender of the Bond intervening and arguing in the case ex officio, rendered the following definitive judgment. Minna Martha Harck, adhering to the Protestant religion, and Maximilian Theodorus Gärtner, of the same Protestant religion, entered into marriage with each other on April 9, 1901, before a Protestant minister in Lichtenberg, near Berlin. Three years later, the husband was confined to a home for the mentally ill in the city of Berlin, in Dalldorf; and a competent medical expert, by a public attestation, declared the spouse to be sick, stupid, and slow, so completely afflicted in mind that he is not capable of any act of understanding or will, and nothing he does can be considered imputable or useful in any way. The wife, on April 25, 1908, obtained a civil divorce due to the spouse's mental infirmity, and shortly thereafter, she was received into the bosom of the Catholic Church. On May 27, 1909, she entered into a civil marriage in Lichtenberg with John Hauser, a Catholic. After a few months, she petitioned her ordinary of the place where she resided, to declare the first marriage null because of force and fear. On June 24, 1910, a judgment was issued, in which it was declared that there was certain proof of the nullity of the marriage in this case. However, the Defender of the Bond of the Curia of Osnabrück, appealing ex officio, the matter is presented to the Holy Apostolic See under the customary doubt: Whether there is proof of the nullity of the marriage in this case. THE MATTER AT ISSUE. 1. In this case, we are dealing with a marriage between heretics, entered into before a Protestant minister. This marriage, however, is to be considered valid in the ecclesiastical forum, if at the time when the marriage was celebrated, no impediment nullifying it was present. Indeed, from the manner in

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which the validity of the marriage is impugned in this case, it is apparent that...

[*Latin ed. p. 183*]

The Roman Rota. In 183 cases, an impediment was found to be invalidating, unless the impediment consisted of force and fear, or perhaps even a lack of valid consent due to partial affection on the part of the man. However, the process was conducted solely on the basis of force and fear as an impediment, whereas in this case, it scarcely seems possible to prove that the man was so attached before the marriage that he was unable to give a valid matrimonial consent. It should not be said that the marriage is invalid in this case simply due to a defect in the Tridentine form, or due to the impediment of clandestine marriage, according to the doctrine that Wernz, *Ius Decret.*, vol. IV, no. 166, expresses as follows: "The Council of Trent, in order to avoid the inconveniences arising from the nullity of so many non-Catholic (baptized) marriages, wisely limited the value of *capitis Tametsi* to those parishes in which it had been legitimately promulgated; but it did not impose any other restrictive clause, by virtue of which the new form of celebrating marriage would be binding only on Catholics; hence, since non-Catholics (that is, baptized persons, whether heretics or schismatics) are subject to ecclesiastical laws that render marriages invalid, they have not been exempt from observing the Tridentine form. Therefore, the marriages of non-Catholics, whether with a Catholic or among themselves, which are not celebrated with the essential form of the Council of Trent, are entirely null and void, unless a legitimate relaxation of the law of Trent is granted." In this case, it must be denied that the promulgation of *capitis Tametsi* (Council of Trent, Session XXIV, chapter 1, on marriage) took place in that region. It is known to the contrary (Loder, *Formulaire matrim.*, 1891), that the Tridentine form was introduced there in no other way.

2. With regard to the impediment of force and fear, chapters 13 and 14 of book IV of the Decretals, which pertain to this matter, are well known in law. Furthermore, it is certain in law that fear only invalidates the marriages of Christians if it is grave, unjust, and free from an external cause, and if it is imposed in order to extort matrimonial consent. Wernz, *I. c.*, no. 261, notes regarding force as a cause of fear: "There is not much to say here about absolute and physical force, or about that trepidation of the mind which completely destroys the use of reason... Therefore, only the inquiry remains about the causative force of fear which does not destroy the free consent in substance, but only diminishes it, since it leaves the option or choice between the evil intended and the act performed by force."

FACTS RELATING TO THE CASE.

1. Regarding the veracity and credibility of the plaintiff and the

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witnesses, the following should be noted. The Defender of the Bond of OsnabrÃ¼ck wrote about the plaintiff: "The plaintiff, according to the report of the tribunal, made an impression..."

[*Latin ed. p. 184*]

184 Acta Apostolicae Sedis. - Commentarium Officiale. "that she wished to say the truth." It is true that she contradicted the testimony given by the parish priest Rieger and the chaplain Anders, who, as she states, warned her of the impossibility of contracting a second marriage unless the first marriage had been declared null by the Church. However, considering the testimony of the plaintiff herself, who stated that she had promised them that she would not enter into new nuptials before obtaining permission from the Church, this contradiction is almost insignificant and does not invalidate the plaintiff's veracity. Furthermore, the witnesses cannot be discredited simply because almost all of them are either relatives of the plaintiff or are not Catholics. In matrimonial cases, relatives are, in fact, to be heard. "Consanguinei et affines, as Wernz states in I. c, "n. 745, who may know certain impediments better than others, are not prohibited from testifying, whether they testify to the validity or the nullity of the marriage, unless there are special reasons for suspicion." However, such reasons for suspicion are not present in this case. Even Protestants, if they testify under oath, are credible and should therefore be heard, especially if, as in this case, they are almost the only witnesses who are able to give testimony. Moreover, as noted in the judgment of the first instance, the credibility of each witness is expressly affirmed by the tribunal of Berolinensi, and in no case has the Defender of the marriage of that same tribunal challenged this affirmation. Furthermore, the careful consideration with which each witness conducts themselves in giving testimony, the diligence and subtlety with which they express themselves, the fact that they have heard and seen other threats and offenses, that they have revealed things known only through word of mouth, and that they completely ignore certain things, all confirm the credibility of the witnesses. It should also be noted that the Protestant witnesses testify in favor of the plaintiff's case, even though she has denied her own faith. The tribunal of Berolinensi simply states: "There is no doubt about the credibility of the witnesses." Indeed, the witnesses testify about concrete facts without contradiction and without collusion, facts which they have seen with their own eyes or heard with their own ears. Only the plaintiff's mother seems to contradict herself and to confuse things she heard before and after the marriage. Finally, the husband, Gärtner, was unable to be subjected to examination due to his mental state, and his relatives, who could have been examined, were not found. However, this deficiency does not affect the matter, since the Defender of the bond duly intervened in the case and argued.

From the plaintiff's and the witnesses' testimonies, as far as the facts

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themselves are concerned, it is clear that there was indeed an impediment of force and fear in this case. The plaintiff states: "He threatened to kill me... I then had to be afraid that he had carried out his threats, because when he returned the ring, he struck and scratched me; in addition, he threatened..."

[*Latin ed. p. 185*]

185 St. Born and Bota. "He [Albert] broke my nose, which would have disfigured me. All of this happened shortly before the marriage... In no way would I have married the gardener if I had not had a terrible fear that he would carry out the threats he had so often repeated." The words of the actress are confirmed by other witnesses. Emma Wagner, her sister, said: "In my opinion, the threats were certainly intended, so much so that if the engagement were broken off, the gardener would carry out all his threats... I myself saw the marks of his pinches on her arm." Another sister of the actress, Mathilda Scharemberg, said: "My sister told me that she was not breaking off the engagement with the gardener because of fear... Even after the marriage, my sister told me that she would not have married the gardener in any way, if she had not been afraid that he would carry out his often-repeated threats." The testimony of Pauli Wagner, a Catholic and the actress's brother-in-law, is significant, who testified: "Maximilianus Theodorus Gärtner, in my presence on several occasions, while he was engaged to Minna Marta Gärtner, addressed threats and scoldings to her, and he struck her. Once he threatened her with a revolver in my presence... Minna Marta Harck told me before her marriage that she would certainly marry the gardener, otherwise he would kill her." Therefore, from these testimonies, it is clear that in this case, there was indeed a serious and unjust fear, imposed from an external cause, in order to extort consent to the marriage. There can be no doubt about the injustice of these threats by the groom, by which he compelled the bride to enter into marriage. Furthermore, it is established that this fear imposed was serious, or such as "to fall upon a steadfast man." According to Sánchez (Lib. IV, d. 3), to which the authors generally agree, five conditions are required for fear to be considered serious, or "to fall upon a steadfast man": a) that the fear be serious for the person experiencing it; b) that the one fearing believes that the evil will probably befall him; c) that the one instilling fear be able to carry out the threats; d) that the one instilling fear be accustomed to carrying out threats; e) that the one fearing cannot easily avoid the evils that threaten him. Indeed, the fear instilled in the actress was entirely serious, especially since she was orphaned and in need of a protector. It also appears that the groom was both able and accustomed to carrying out threats. He struck the woman with slaps and pinches, and he was of such a nervous temperament that he later escaped from custody. The bride could not avoid the evils that

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threatened her. In the house, she had only her mother, who...

[*Latin ed. p. 186*]

186 Acta Apostolicae Sedis. - Official Commentary. against that man, he could not effectively protect himself; nor did flight appear to him, since he could not flee anywhere, nor did he see in flight any hope of liberation from the evils that were threatened against him. "I was still young," she said, "I had my occupations in the house, and therefore I could not have fled." 3. Therefore, the woman chose marriage in order to avoid the evil, which otherwise she could not, at least in her apprehension, avoid. And it cannot be said that the woman did not truly fear, because she dared to deny her husband what was due to him after the marriage. For she feared more the terrible suffering with which the man was afflicted, than she feared the danger of death. Nor can it be said that the marriage was subsequently validated. For, in the first place, the woman does not seem to have laid aside her fear at the time of the marriage, since the threats and offenses from the man's side still persisted. But whatever the case may be, the defect of the prior consent could not be remedied by peaceful cohabitation, because the woman did not know that the prior consent had been null and void. It is clear from the records that the woman lacked this knowledge; and, moreover, it is taught by authorities that such knowledge is required for the validation of the marriage in this case. Thus, for example, Wernz (I. c, n. 268): "The party who has suffered fear can legitimately validate the marriage by a new consent, whether expressed or tacit, given through the act of copulation with marital affection, or through longer cohabitation, provided that, knowing for certain that the first marriage was null, the fear has ceased." Having considered and diligently pondered all of these things, and invoking the name of Christ, We, the undersigned Auditors sitting for the tribunal, and having only God before our eyes, do hereby decide, declare, and pronounce: That there exists a nullity in the marriage in this case, or to the doubtful question, we respond: Affirmative; furthermore, We decree that the plaintiff shall be held liable for all the expenses of the judgment. Thus We pronounce, ordering the Ordinaries of the places and the ministers of the tribunals to whom it pertains, to order the execution of this Our definitive sentence, and against those who resist, to proceed according to the norms of the sacred canons, and especially chapter S, session XXV, concerning the reforms of the Council of Trent, using the executive and coercive means that may be more effective and appropriate for the circumstances. Rome, on the 11th of January, 1912. Franciscus Heiner, Presiding. Ioannes Prior. Aloisius Sincero. Sac. Tancredes Tani, Notary.

[*Latin ed. p. 187*]

Section 187 Apostolic. APOSTOLIC SIGNATURE: RULES TO BE

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OBSERVED IN JUDGMENTS BEFORE THE SUPREME TRIBUNAL OF THE APOSTOLIC SIGNATURE, APPROVED AND CONFIRMED BY POPE PIUS X. The rules, by which the order and method of the handling of causes are established before the Supreme Tribunal of the Apostolic Signature, having not been introduced for a brief period as an experiment, and having been diligently examined by the Most Reverend Cardinals elected to the same Tribunal, were finally humbly submitted to the Apostolic sanction. The Most Holy Lord Pope Pius X, having approved the content of these rules, on this day, the sixth of the month of March, 1912, in an audience held with the undersigned Cardinal Prefect, deigned to confirm them and to make them valid; indeed, attributing to them the force and authority of a special law for the Supreme Tribunal of the Apostolic Signature, He ordered that they be recorded in the Acts of the Apostolic See, promulgated, and strictly observed by all to whom they apply, henceforth. Rome, on the sixth day of the month of March, 1912. VINCENTIUS CARD. VANNUTELLI, Prefect of the S. A. S. Tribunal. L. & S. NICOLAUS MARINI, of the Secretariat.

[*Latin ed. p. 188*]

188 Acta Apostolicae Sedis. - Official Commentary. TITLE I. Matters which are submitted to the Supreme Tribunal of the Apostolic Signatura. ARTICLE 1. The Supreme Tribunal of the Apostolic Signatura, according to Canon 37 of its own law, considers as its own and primary matters: a) the exception of suspicion against any Auditor, for which reason he recuses himself; b) the violation of secrecy, and damages caused by Auditors because they have rendered a null or unjust judgment; c) a nullity action against a final sentence; d) an appeal for restitution to the previous state against a final sentence, which has become res judicata. Besides these cases, by commission, the Most Holy Tribunal also judges concerning restitution against a sentence issued by any Sacred Congregation. ARTICLE 2. The following circumstances provide grounds for an exception of suspicion: a) questions not decided in judgment between any Auditor and the parties; b) grave enmity; c) any reason for which it is lawful to deduce that the Auditor may derive some moral or economic advantage from the case, or that he is too closely connected to one of the litigating parties; d) an opinion or advice given by the Auditor concerning the case, having knowledge of the case in another jurisdiction as a judge or arbitrator; the same case having been previously advocated by him as an advocate or procurator; e) any degree of kinship in a direct line, and in a collateral line up to the fourth degree inclusive, according to civil computation; any degree of indirect affinity, and in a collateral line up to the second degree.

[*Latin ed. p. 189*]

Apostolic Signatura. 189. Quod si quisquam exceptiones pro merito in

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causa proposuerit, exceptionem suspicionis contra Auditorem admittere potest, nisi posterius argumentum suspicionis demonstratum fuerit. ART. 3. Querela nullitatis producere potest non solum contra sententiam definitivam, verum etiam adversus interlocutoriam sententiam a Sacrae Rotae tribunali quomodocumque emissam, dummodo gravem iniuriam inde sit oriturum, quod per definitivam sententiam reparari nequeat; aut etiam ipsa sententia gravet sententiae definitivae. ART. 4. Argumenta querelae nullitatis sunt: a) defectus citationis quae causam introducit; b) defectus iurisdictionis; c) defectus mandati procurationis, aut vitium in eodem substantiale; d) ratio in sententia non habita alicuius legis; e) manifesta quaevis legis violatio. ART. 5. Non admittitur recursus ob defectum citationis quae causam introducit, quando pars non citata in iudicium venit suasque rationes aut defensiones de merito causa adduxit, neque tamen actum nullitatem allegavit. ART. 6. Recursus ob defectum iurisdictionis fieri quoque potest ad obtinendam circumscriptionem iudicii, demptosemper casu quo pars comparuerit, nullaque circa competentiam exceptione opposita, defensiones aut documenta in causa produxerit. ART. 7. Defectus aut vitium in mandato procurationis vel utis tantum habentur ob appellationem interpositam ab ipso actore, sive per se, sive per procuratorem, adversus quamlibet sententiam, ante -

[*Latin ed. p. 190*]

190 Acta Apostolicae Sedis. - Official Commentary. unless the second party has opposed it with a nullity; or, generally, for any positive act committed before the filing of the nullity suit, from which a sanction is derived, according to the norms of common law. ARTICLE 8. An appeal from a nullity suit shall be admitted only if some defect, of those mentioned above, is manifestly proven; otherwise, the appeal will be rejected as lacking a valid basis in law. Furthermore, any hidden or implicit defect, which has been overlooked or remedied, as mentioned above, will also be grounds for rejection. ARTICLE 9. In order for an appeal to be admitted in order to obtain full restitution, it must be demonstrated that: a) the judgment was issued based on documents, the falsity or alteration of which was subsequently discovered; b) public or private documents have been discovered, which prove a new fact decisive in the case; c) or, generally, that a reason of some kind, which was not previously presented or disputed, has intervened, from which a serious and manifest detriment to justice can be demonstrated, and therefore there is grounds for a rescissory action, according to the norms of common law. ARTICLE 10. The voluntary execution of a final judgment, after a long period of time, in no way deprives one of the right to request and obtain full restitution from the Supreme Tribunal. ARTICLE 11. As in the case of requesting full restitution and introducing a nullity suit against a final judgment, the term within which the cause can be brought before the Supreme Tribunal of the Apostolic Signature, upon

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commission from the Most Holy Synod, is three months from the date of obtaining the commission.

[*Latin ed. p. 191*]

Apostolic Signature. TITLE 191. Concerning the Procedure Before the Supreme Tribunal of the Apostolic Signature. ARTICLE 12. The petition, by which the appeal is introduced, is presented to the Reverend Father Doctor, Secretary of the Apostolic Signature, by the Notary, with a protocol attached; and the following must be attached to it: a) an authentic copy of the sentence against which the appeal is lodged, and in cases in which the Supreme Tribunal is referred by order of the Most Holy, the document obtained from the Official of the Supreme Commission, proving the same; b) the sum of *centum* [Cento] to the distributor of petitions of the Tribunal, for the expenses incurred. This sum is paid to the Apostolic Treasury; if the appeal is rejected, it is retained; if it is admitted, it is deducted from the expenses of the cause; c) a mandate of procuration, in the prescribed forms, if the appellant has not himself presented the appeal. ARTICLE 13. Upon receiving the petition and the attached documents, the Notary, with a protocol attached, will collect them into a bundle, which, after being placed in the appropriate book and marked with a number, he will send to the Reverend Father Doctor, Secretary, so that he may establish the terms for the legitimate notification to the opposing party of the appeal, and for the submission in writing of objections against the appeal to the Supreme Tribunal; otherwise, proceedings will be carried out contumaciously. ARTICLE 14. The act of notification will be drawn up by the Notary-Scribe or the Clerk, or by another Official of the Supreme Tribunal appointed for that purpose, who, after the Reverend Father Doctor, Secretary, will also sign the act and communicate it with the seal of the Supreme Tribunal.

[*Latin ed. p. 192*]

Acts of the Apostolic See. - Official Commentary. 192. For the validity of the delivery of the exemplar, or any part thereof, to the party or their representative, it will suffice that the Official be signed by a Notary delegated by the Supreme Tribunal, and that the seal of the Supreme Tribunal be affixed.

ARTICLE 15. The form of the notification to be used shall be as follows, with the cause and protocol number inserted:

To the Most Reverend Lord, the Supreme Tribunal: (Title: Regarding the act by order of the Apostolic See and the Prefect of the Tribunal; it is hereby notified to the Supreme Tribunal that [by order of the Holy See, if applicable] the aforementioned [name] is to be summoned in the cause ... to obtain a sentence, or restitution, as the case may be, before the lawfully appointed representative of the Supreme Tribunal, namely N. N., to appear fully and completely before it in writing for a recourse in Rome; further, that N. N.

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shall present before N. [nullity of said sentence, and therefore, above ... hours after midday, etc.]; whether by himself or by the undersigned ... Signature N. The fatal day for the admission of the recourse against this Lord has been set, and ... if the term has elapsed, the Secretary shall proceed accordingly, etc. Given in Rome, from the offices of the Supreme Tribunal, on the day ...

ARTICLE 16. The act of notification (as well as summonses and any other act of the Supreme Tribunal) shall be transmitted to the city by the permanent usher of the Supreme Tribunal, who shall attest to the faithful delivery at the foot of the act. If, however, the party resides outside the city, it shall be transmitted by public courier in a package, as is customary, to one to whom it is entrusted, and the receipt of which, obtained from the public courier by a written receipt, shall be preserved in the records. Finally, for those whose domicile is unknown, the Supreme Tribunal shall make use of the Diocesan Curia, or shall employ other means, as the Reverend Father Secretary deems necessary and appropriate in the circumstances.

[*Latin ed. p. 193*]

Apostolic Signatura, Article 17. Whensoever something must be notified to a Bishop, it shall be written in the manner of a letter; it shall be signed by the Secretary and Notary of the Most Holy Supreme Tribunal, and shall be transmitted by public post, as aforesaid. Article 18. The form shall be as follows: "To the Most Illustrious and Reverend Below-named, the Tribunal makes known, the Secretary, 'Lord N. N., My Lord, regarding the appeal [of the commission of the Most Holy, if that is the case], which, because of the reason that you have something against it, or you deduce it from writings of the Tribunal of Rome, from the Ampliatus, if... or in the matter of... my office, it is known to you that I, in accepting you, signify to you, in accordance with the judgment of the Apostolic See, that you have presented to the Ampliatus... with the necessary modifications: I communicate to you, the aforementioned Procurator, the time until which you are legitimately summoned to the premises of the Supreme Tribunal, to present [your] documents, which I have appointed to you, until the end of three days; after this term has elapsed, proceedings shall proceed according to the rule of "Propria Legis," canon 40. In the meantime, I pray God to grant you all good things and blessings. Your most devoted servant in the service of the Ampliatus." Article 19. After the agreed-upon term has elapsed, the summons to present arguments against the appeal (which, if the same party requests it, the same term may be extended by a rescript of the Secretary), nor can the Secretary of the Most Holy Tribunal proceed to further steps, unless, by a new decree, he sees fit to make a new citation, based on the observations presented by the same party. Article 20. Furthermore, after the decree of the Secretary of the Most Holy Tribunal has explained the matter of law and fact, for the sake of propriety, either the plaintiff or the

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defendant,

[*Latin ed. p. 194*]

194 Acta Apostolicae Sedis. Official Commentary. These matters can be clarified by questioning; and notification of the decree will be given to the party, so that those who investigate these reductions may inquire; nor will any other party be able to object. ARTICLE 21. Besides the necessary request for deductions from the opposing party, the Reverend Prelate Defender [R. P. D.] Secretary, in order more easily and accurately to ascertain the nature and reasons of the appeal, will require, concerning the cause which has been brought before the Most Holy Roman Congregations, all the acts which preceded it. He will also, if he deems it necessary, request the opinion of one or more of the Superiors of the Sacred Tribunal, as well as the opinion of the Promoter of Justice, and, when the matter concerns marriage, the Defender of the Bond; or he may give the parties a day to present, in writing, the reasons for their appeal. ARTICLE 22. The decree of the Reverend Prelate Secretary, by which an oral discussion is ordered, will indicate the arguments with which the discussion will be contained, and it will be transmitted to each party by a citation in the following terms: By order, etc., the Lords N. N. and N. N. are summoned to appear before the undersigned in Rome... on the day, month, and year, at the hour... for the purpose of holding an oral discussion concerning the appeal presented by N. N. against... for the purpose of T., and for the purpose of issuing another decree concerning the matter in the form and manner set forth, not only, etc., but also all, etc. - however... The arguments of the aforementioned and... S., whatever may be necessary for the proper conduct of the aforementioned discussion, will be set forth below: Given in the offices, on the day, month, and year... (Seal, and the signature of the Reverend Prelate Secretary and Notary). ARTICLE 23. It shall also be permissible for the parties, or either of them, to request from the Reverend Prelate Secretary a written statement of the reasons for the appeal. The Reverend Prelate Secretary, by decree, in the case where an appeal is not possible, will judge concerning the admissibility of the discussion, and then concerning the arguments which were proposed in the aforementioned statement.

[*Latin ed. p. 195*]

Signature Apostolic. ART. 24. The reasons for the decision will be explained orally by the advocates themselves. However, the Reverend Father Secretary, especially in criminal cases, may require the accuser himself or the participants in the discussion to be present. ART. 25. The oral discussion will be moderated by the Reverend Father Secretary, who will be assisted by one of the Officials of the Supreme Tribunal, designated as a Notary, who will faithfully record the arguments presented by the parties; furthermore, one or two Reverend Fathers Consultors of the Supreme

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Tribunal may be present, when the Reverend Father Secretary deems it necessary, or even, if it should be required, the Promoter of Justice or the Defender of the Bond. All those who have been present at the discussion will sign the record with the Notary. ART. 26. If anyone, during the oral discussion, deviates from the order of proceedings, or does not show due reverence to the Supreme Tribunal, they may be subject to a fine, as determined by the law itself, canon 30, number 6, and the Reverend Father Secretary may impose such a penalty. ART. 27. Considering all that has been prescribed above, the Cardinal Prefect of the Supreme Tribunal and the Reverend Father Secretary will judge whether to present the case, without further appeal, to the full assembly of the Purple Fathers, according to the law itself, canon 40, number 2. The admission, as well as the rejection, will be notified to the parties in the prescribed manner. The decree of rejection will be signed by the Reverend Father Secretary and by the Notary, acting as the designated archivist, and will be sealed with the seal of the Supreme Tribunal, and will be recorded in the Acts of the Apostolic See, unless the Cardinal Prefect has established otherwise. ART. 28. The notification of the rejection will be as follows: By order, etc., it will be notified to Mr. N. N., the duly appointed attorney of Mr. N. N. in this case, in the ordinary assembly or congress.

[*Latin ed. p. 196*]

196. Acta, Apostolicae Sedis. - Commentarium Officiale. It has been diligently and carefully considered by the Most Reverend Cardinal in these offices, that the request presented by the Most Reverend N. N. [regarding the commission of the Most Holy, if it pleases Him], against the sentence rendered in the case, although based on a good foundation of law, does not, according to the Proper Law, canon 40, [followed by...] serve to obtain [the desired outcome], and therefore, it is rejected. Given in Rome, from these offices, on the day of... (The seal and signature of the Reverend Father, Secretary and Notary).

29. Article. When a recourse has been admitted, the notification will generally also contain a citation to appear for the purpose of conciliation, as follows: According to the decree of the plenary council, canon 40, it has been found to be a foundation for obtaining [something], according to the Proper Law, and since it is proposed in the same [case] that it be admitted, therefore, let the aforementioned Most Reverend N. N., as above, the Procurator of Most Reverend N. N. in the case of the plaintiff [or defendant], be cited to appear in the offices of the Supreme Tribunal of Rome, before... for the discussion of the matters in question, on the day of..., to be determined by the assembled Fathers. Furthermore, any other decree that may be necessary and appropriate shall be made in due form, etc., etc. Given in Rome... ... let it be inserted, etc., etc.

ARTICLE 30. If, in the act of notification, of which mention is made in the

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preceding article, the citation is lacking ex officio, then greater diligence is left to the Reverend Father, Secretary, to set a day for the contestation of the matter and the presentation of doubts. In this case, after the words of the notification: "it has been admitted," conclude in this manner: "a citation is proposed to the opposing party and to all others for the purpose of conciliation, with all that is necessary, etc., etc." and "and given to the plaintiff or defendant, for the purpose of conciliation, with all that is necessary for the presentation of doubts, etc."

[*Latin ed. p. 197*]

Apostolic Signature. ARTICLE 31. Notification to the Bishops shall be made by letter as follows, with necessary modifications:

Most Reverend and Venerable Lord,

The undersigned, Secretary of the Supreme Sacred Congregation, hereby informs Your Eminence that a petition from [Amplitude...] has been presented before the Most Holy [Signatura], if it should be the case, in order to obtain that Your Eminence be summoned.

Therefore, I communicate to you that you must duly appear, or appoint a representative, before the aforementioned Supreme Congregation. And so that a full account may be taken of the matter, and that the decree mentioned in canon 40 may be proposed, and that a decree may be issued, which states that, unless a legitimate defense is presented by you yourself, or by a procurator, the matter will be considered before the Tribunal of Rome, and a full tribunal will be convened.

Therefore, in accordance with the decree of the proper law, you are excused from appearing in person, unless the aforementioned tribunal deems it necessary. However, I inform you that this cause has been admitted, and that the Apostolic Secretary, mentioned below, will, at the appointed hour on [day], convene a meeting to deliberate on the aforementioned cause, and to issue any other decree that may be deemed appropriate, and to set a date for the continuation of the proceedings, etc.

I do not merely present these matters to Your Eminence, but I also pray for your well-being and success, granted by God.

Given at Rome, from the offices of the Holy See, on [day]...

(Seal, and the signatures of the Reverend Father Secretary, and the Notary).

ARTICLE 32. A supplementary petition, which the Reverend Father Secretary will diligently request, setting forth the reasons for the dispute and raising any doubts, shall be as follows:

To the Reverend Lord N., curator of the full tribunal, established by the Supreme Congregation on [day] to summon Mr. N. in this Apostolic cause...

The aforementioned Mr. N., duly appointed for this cause, petitions and

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requests that Mr. N. be summoned, either in person or through a representative.

[*Latin ed. p. 198*]

Acta Apostolicae Sedis. - Commentarium Officiale. 19 The curator, in the offices of the Sacred Tribunal, while considering the following matters, shall determine the day and time for discussion; and also the day to be designated for the meeting of the Fathers for the consideration of any decree whatsoever, and whether it is to be done in the prescribed form, etc., with less formality, if the cause so requires, and shall subscribe to it. The Plenary Session, which is necessary and opportune for all matters, etc. Doubtful matter. Day... (Subscription) ART. 33. The Decree of the Most Reverend and Reverend Fathers. The Secretary shall announce to the parties in the dispute, which has been instituted, the date for the hearing. The other party shall be summoned "to appear on the day... at the hour... to discuss the following matters and to reach an agreement; the actor [or, if there is no convention, the assembly] shall propose, and also designate the day, etc., as above. ART. 34. When the citation is issued by the Most Reverend and Reverend Fathers, the Secretary signifies, in the very act, the admission of the appeal, and the parties in the dispute shall submit their proposals regarding the doubtful matters to the Most Reverend and Reverend Fathers, Secretary, within three days after the commencement of the dispute. ART. 35. In the act of discussing the doubtful matters, if the parties do not appear, or if they do not agree among themselves regarding the matters to be proposed, the Most Reverend and Reverend Fathers, Secretary, may suspend the dispute, or postpone it to another day, or, if necessary, decide on the form of the doubtful matters. ART. 36. In addition to the Most Reverend and Reverend Fathers and the parties, another official of the Sacred Tribunal shall be present, who, deputed as a Notary, shall faithfully record all the proceedings in writing, and shall attest to everything.

[*Latin ed. p. 199*]

Apostolic Signature. Article 19. The Promotor of Justice and the Defender of the Bond shall be present, either by themselves or through their representatives, when their office requires it, or when the B. P. D. Secretary invites them, or, finally, when the circumstances demand it, as permitted by a written order from the E. P. D. Secretary.

Article 37. In the course of a legal dispute, the sum of money that the parties must pay as a deposit for the expenses of the judicial process shall be established. Furthermore, the date of the resolution of the case, that is, the plenary session of the Fathers, shall be indicated, as well as the deadline for presenting defenses and documents, as will be explained below:

On the ... day of the month ..., at the hour of ..., before the Reverend Father N. N., of the Supreme Apostolic Signature, appeared Mr. N., appointed as

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the Secretary of the Tribunal; in Rome ..., in the church of ...; Mr. N., duly cited, the procurator of Mr. N. N., in the aforementioned cause, it being clearly established from the power of attorney present in the records; and Mr. N. N., as mentioned above, the procurator of Mr. N. N., in order to resolve any doubts to be presented before the Fathers in the cause between Mr. N. N. and Mr. N. N., concerning ...

The aforementioned doubts, presented by Mr. N. N. and accepted by Mr. N., (The text of the doubts is indicated). And the Reverend Father N., of the same Supreme Tribunal, presented the following doubts [Or: The Reverend Father N. of both Supreme Tribunals, having considered that Mr. N. could, by reasons of refusal, the Supreme Tribunal's part, have them treated as follows: Then Mr. N., having declared that he would present his arguments, the Secretary, after hearing from ... N., requested N. - for the presentation of ... and all other necessary things, etc. Mr. N. N., of the Supreme Tribunal, Reverend Lord N., Cardinal N., Prefect of the Apostolic Signature, having considered the matter, decreed: The Secretary declared and stipulated that the day had been brought forward, and the Fathers had attended. Then the Secretary admitted the documents and opportune writings in the cause. The documents of the Apostolic Signature are not as follows: The Secretary of the Supreme Tribunal...].

[*Latin ed. p. 200*]

Acta Apostolicae Sedis. - Commentarium Officiale. 20°: ut plenaria S. T. supra, in Vaticano 2°: ut ante diem deponantur libelli... 3°: cantur ut in fiant iuxta die terminos habeantur die... apud ad scripturae formis Comitia ad disceptanda dubia, de qui- causae typis...; tum Cancellariam S. expensarum concreditae atque ex iure insuper Tribunalis a... tutelam; ac documenta produ- ut responsiones et alia communi, tum a Lege Propria et a regulis S. T. admissos. A tque ita mandavit ac decrevit, et in Supremi Signaturae Apostolicae deputato, partibusque subscripsit, prouti in sequitur: Tribunalis causa fidem una cum N. N., Officiali contendentibus, uti in Notarium supra, se... ART. 38. Dubiorum formulam mutare non licet, nisi decreveto R. P. D. Secretarius, instante vel altera Partium, vel Promotore Iustitiae aut Vinculi Defensore, auditaque parte adversa; idque etiam cum ipsa formula ob partium dissensum decreta fuerit ex officio. ART. 39. Cum agatur de recursu pro restitutione in integrum adversus sententiam, quae in rem iudicatam transierit, quae pars eundem interponit, cogi poterit ad integrum pro expensis depositum faciendum. Causa absoluta, rationes partium expedientur prouti S. T. constituerit. ART. 40. Terminus ad exhibendam documenta atque defensiones minor quadragintadiebus ante diem resolutionis causae sive plenorum Emorum Patrum Comitiorum esse non poterit. ART. 41. Defensiones dupliciae exemplarie ex rudity porum impressione (vulgo bozze di stampa) R. P. D. Secretario exhibendae erunt,

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qui imprimendifacultatem, post advoca subscriptionem, scriptis apponet.

[*Latin ed. p. 201*]

Apostolic Signature. 201. If the Reverend Fathers, Defenders, should deem it necessary to make corrections, those same corrections shall be made with the utmost care; and, according to the law, canon 30, number 6, the Defender shall be penalized.

ARTICLE 42. The documents shall be deposited in the forms kept in the Chancery of the Holy Office, so that the parties may freely examine them there; and those which are included in the summary shall be delivered with two copies, printed from the rough proofs.

ARTICLE 43. The Notary shall, together with the Custodian of the Archives of the Holy Office, prepare a copy of the summary, together with the original documents. Testimony shall be given of the collation made, either at the bottom of each document, or even at the end of the summary; and, with this testimony, it shall not be possible to distribute it, either to the vulgar or to anyone else.

ARTICLE 45. From the defense, together with the summary and the rough copies, as described above, one copy shall be returned to the party for final printing, and the other shall be kept in the Chancery of the Holy Office for any corrections that may be necessary.

ARTICLE 46. The distribution of the defense shall take place thirty days before the definition of the cause, in the Chancery of the Holy Office. The Official of the Holy Office shall exchange the defense with the summary between the parties; and, in this exchange, he shall attest that the exhibition and exchange have been completed; and he shall immediately transmit a copy to the Most Reverend Fathers, the Reverend Father Defender of the Faith, the Reverend Father Secretary, the Reverend Consultor to whom a vote has been requested, and the Promoter of Justice or the Defender of the Bond, when they come to the judgment, through the official of the Holy Office.

ARTICLE 47. Responses and documents to be attached to the additional summary shall be presented within fifteen days before the definition of the cause.

[*Latin ed. p. 202*]

Acta Apostolicae Sedis. - Official Commentary. The distribution [of documents] will take place one hundred days before the plenary session of the Congregation of Eminent Fathers, according to the form described in articles 4, 1 to 4, 5.

ARTICLE 4, 7. The Official Distributor will transmit to the Eminent Judge, who has been designated as the presiding judge or relator in the case, all original documents pertaining to the case, together with copies of the responses.

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ARTICLE 4, 8. The Reverend Father Secretary will, of his own accord, send to each of the Eminent Fathers selected for the case, no less than ten days before the definition of the case, a package in which the legal status of the case is explained, and a summary of the arguments is included; and this will include, of course, any documents that appear necessary and appropriate for better informing the Eminent Fathers about the case. If any of the Reverend Fathers Consultors, in the course of the case, should wish to add new observations after the written defenses and responses, these, if necessary, will be transmitted to the Eminent Fathers in a supplementary summary, also of his own accord, no less than five days before the definition of the case.

ARTICLE 4, 9. The conclusion of the distribution of responses in the case will be considered to have taken place according to canon 2, 7 of the Proper Law, and with the provisions of sections 3 and 4 of the same canon duly observed. However, an oral discussion may also be permitted, which the Reverend Father Secretary may require by means of a written request, to explain extraordinary reasons for the invocation of benefits and to discuss specific and distinct points about which there is disagreement.

ARTICLE 5, 0. The decree of the Reverend Father Secretary, by which the oral discussion is admitted or denied, will be irrevocable, and will be notified to the parties, along with a summons for the day, hour, and place of the discussion, if the same has been granted.

[*Latin ed. p. 203*]

Apostolic Signatura. 203 ARTICLE 5, 1. An oral hearing, except in cases deserving of special consideration, shall not exceed five days prior to the definition of the cause. Its course shall be as described in articles 24, 25, and 26. The official appointed to prepare the record shall, as soon as the documents are produced, if any, transmit them immediately to the Cardinal presiding over the cause or to the Promoter of the Faith, through the Reverend Father Secretary. ARTICLE 5, 2. Just as oral testimonies before the Judges, (Proper Law, canon 30), and written testimonies, as well as the general distribution of any defenses or responses, lacking the approval of the Reverend Father Secretary, and not having been distributed by the Official of the Sacred Tribunal, are entirely prohibited and forbidden. ARTICLE 5, 3. The resolution of doubts presented to the assembled Plenary College of Judges shall be notified to the parties, as well as to the Sacred Tribunal or Congregation against whose judgment an appeal has been brought before the Supreme Apostolic Signatura Tribunal. The acts shall be signed by the Reverend Father Secretary and by the Notary, acting as Custodian of the Archives, and shall be sealed with the seal of the Sacred Tribunal. In this document, decrees regarding expenses shall also be included, as in the following formula: N. By order of N. in the case of ... To N., lawfully constituted, it is notified that, in the plenary session held in the offices of

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the Most Reverend Cardinal N., on N. in Vatican, N. and N. doubts were thoroughly discussed, namely... the response. Regarding expenses, K. was condemned, and is condemned, by the Most Reverend Tribunal concerning the matter of ... and the proposed ... judicial proceedings, the Supreme ... [Or: The Supreme Court, having determined that these expenses are to be compensated between the parties, or otherwise, as the case may require].

[*Latin ed. p. 204*]

204 Acta Apostolicae Sedis. - Official Commentary. And it was commanded and decreed; to all, etc. - Given... etc.* ARTICLE 54. The original sentence, in its entirety, shall be published, and it shall not be transmitted to any party except in an authentic copy, at their request, and at their expense. ARTICLE 55. The original sentence shall contain a brief history of the cause, the legal decision reached, including the doubts raised and the responses of the judges, as well as the decrees concerning expenses, and the executive mandate, in the following form: "And it was published, pronounced, decreed, declared, and thus; and it was commanded that it should be a definitive sentence, and that it should be definitively judged by all to whom it applies, and that it should be mandated for public execution, not only, etc., but also to all, etc. - Given... etc." Finally, the original sentence shall be signed by the Reverend Father Secretary, and the Notary and Keeper of the Archives, as mentioned above, shall attest to its authenticity, and shall seal it with two seals, one with the letters S. T., and the other indicating the sum of money or the tax applied to said sentence. ARTICLE 56. The Notary and Keeper of the Archives, having received the authority from the Most Eminent Cardinal Prefect, shall take care to have the sentence published in the Acts of the Apostolic See. If the Most Eminent Cardinal Prefect deems it not appropriate to include the entire sentence in the Acts of the Apostolic See, only the title of the cause, the formula of the doubts, and the response of the Judges shall be included. ARTICLE 57. After the sentence has been pronounced, the Official, as Distributor of Expenses, shall provide the accounts for the expenses to each of the parties involved, according to the decrees in the sentence itself. These calculations shall be approved by the Reverend Father Secretary, and, accordingly, he shall ensure that they are transmitted to those who are obligated to pay as soon as possible.

[*Latin ed. p. 205*]

Apostolic Signature. 205. For matters pertaining to the Sacred Tribunal, and also to the Sacred Rota, the fees shall be double, as is established for the same Sacred Rota in Appendix of the Proper Law, chapter I-II.

ARTICLE 58. If the person obligated to pay expenses attempts to evade the debt to the Sacred Tribunal, the Reverend Prelate Defender may set a peremptory deadline for him; if this deadline is disregarded, an executive mandate will be sent to the Diocesan Curia of the debtor, so that, by means

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within its power, it may compel him to pay the sum.

ARTICLE 59. After the expenses have been paid, the Official of the Sacred Tribunal shall pay the revenues to the Treasury Department of the Holy See, which are due for that purpose according to the Proper Law (Appendix, chapter I); and the receipt for these revenues, recognized and approved by the Reverend Prelate Defender, shall be kept in the records.

ARTICLE 60. The revenues of Procurators and Advocates shall also be double, as is noted in Appendix, chapter III, of the Proper Law, for the Tribunal of the Sacred Rota. Any exceptions raised against Advocates and Procurators concerning their revenues shall be resolved by decree of the Reverend Prelate Defender, and, if an appeal is made, shall be decided after hearing both sides.

ARTICLE 61. The decree of the Reverend Prelate Defender, issued with an executive formula, is likewise unappealable, so that it may be demanded of all to whom the execution pertains, and anyone whose interests may be affected shall, according to the judgment of the Sacred Tribunal, immediately have any calculation of revenues submitted to the judgment of the Reverend Prelate Defender, reduced or confirmed.

ARTICLE 62. The expenses for records and decrees, concerning which the foregoing articles (60-61) apply, are due from the person who is liable, saving his right to the restitution of money.

[*Latin ed. p. 206*]

Acta Apostolicae Sedis. - Official Commentary. [This applies] if the response requested from the Most Reverend Father, Secretary, has proven unsuitable. ARTICLE 63. In all other matters not covered by these regulations, or where the Proper Law of the Sacred Roman Rota and the Apostolic Signatura does not provide, the tribunals, offices, and orders of the Roman Curia, in the Sacred Congregations, and before the Supreme Tribunal of the Apostolic Signatura, shall be governed by the Rules of the Sacred Roman Rota approved and confirmed by Pope Pius X, as well as by the norms of common law. Thus, JOSEPHUS Adv. FORNARI, L. © S.' S. A. S. T. Arch. Cusi. DIARY OF THE ROMAN CURIA. SACRED CONGREGATION OF RELIGIOUS. NOTICE OF COMPETITION. A competition is open for two positions of Official in this Sacred Congregation of Religious. Applications and documents must be submitted to the Secretariat of the same Sacred Congregation within the current month. The written examination will take place on April 18th, in the same Secretariat, at 8 o'clock in the morning. From the Secretariat of the Sacred Congregation of Religious, March 15, 1912. f DONATO, Archbishop of Ephesus, Secretary. SECRETARY OF STATE. BY DECREE. With tickets from the Secretary of State, the Holy Father has deigned to appoint: Consultors of the Sacred Congregation of the Holy Office: March 4, 1912. — Mons. Camillo Laurenti, Secretary of the Sacred Congregation of Propaganda Fide. — The Reverend

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Father Guglielmo Arendt, of the Society of Jesus.

[*Latin ed. p. 207*]

Diarium Romanae Curiae. 207. Consultant to the Pontifical Commission for the Codification of Canon Law: March 9, 1912. — Monsignor Niccolò Marini, Secretary of the Supreme Tribunal of the Apostolic Signature. Consultants of the Supreme Tribunal of the Apostolic Signature: March 9, 1912. — The Reverend Father Benedetto Ojetti, of the Society of Jesus. — The Reverend Father Giulio Saubat, of the Priests of the Sacred Heart of Livias. With letters and briefs from the Secretariat of State, the Holy Father deigned to appoint: Apostolic Protonotary *ad instar participantium*: February 29, 1912. — Monsignor Giuseppe Adolfo Pessard, General Vicar of the diocese of Angers. Domestic Prelates of His Holiness: February 28, 1912. — The Reverend Giulio Clemente Baudriller, General Vicar of the diocese of Angers. — Monsignor Emanuele Fejer, Canon, lector of the Cathedral of Munkács. — The Reverend Giovanni Turjay, Canon, cantor of the aforementioned Cathedral. — The Reverend Geisa Marsò, Canon of the Cathedral of Rosnavia. HONORS. With letters and briefs from the Secretariat of State, the Holy Father deigned to bestow the following honors: The Order of Saint Gregory the Great, civil class, Commander: March 4, 1912. — To Mr. Doctor Pietro Scherer, Intimate Counselor of the Government and Superior Counselor of the Schools in Strasbourg. March 5. — To Mr. Knight Camillo Serafini, Custodian of the Vatican Numismatic Cabinet. March 6. — To Mr. Marquis Maurizio Giuseppe de Gourion Saint-Cyr, of the diocese of Évreux. — To Mr. Knight Claudio Schmid, Doctor of Medicine, of the archdiocese of Vienne. The Order of Saint Sylvester, Commander: March 1, 1912. — To Mr. Massimiliano Büchner, of Munich of Bavaria. March 4. — To Mr. Augusto Peaucelle, of Paris. The Order of Saint Gregory the Great, civil class, Knight: February 27, 1912. — To Mr. Giovanni Battista Godmard, President of the Diocesan Society of the Conferences of Saint Vincent de Paul in Verdun. — To Mr. Giuseppe Chevalier, of the diocese of Arras. — To Mr. Guglielmo Delattre, of Boulogne. — To Mr. Enrico Delcourt, of the same city.

[*Latin ed. p. 208*]

208 Acta Apostolicae Sedis. - Official Commentary. February 27, 1912. — To Mr. Enrico Morel, of Lille. — To Mr. Giulio Duthil, of the same city. February 28. — To Mr. Ernesto Behaghel, President of the "Association of Former Students of the Saint-Joseph School in Lille." March 2. — To Mr. Fernando Wousen, of the Archdiocese of Cambrai. The Knighthood of the Order of St. Sylvester: February 29, 1912. — To Mr. Pietro Filippucci, Chief Physician of the Hospital of St. Anthony in Smyrna. — To Mr. Giovanni Topuz, Procurator of the Archbishopric of Smyrna. With letters from the Secretariat of State, the Holy Father deigned to appoint: Honorary Secret

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Chamberlains: March 6, 1912. — Mons. Emerico Pisapia, of the Diocese of Ariano. March 8. — Mons. Bernardo Giuseppe Eras, of the Diocese of Bois-le-Duc. March 9. — Mons. Giovanni Battista Rosa, of the Diocese of Mantua. Honorary Chamberlains in purple vestments: March 6, 1912. — Mons. Giuseppe Schinzel, of the Archdiocese of Olomouc. — Mons. Domenico Pellicano, of the Archdiocese of Reggio Calabria. — Mons. Pietro Pejakic, of the Diocese of Sirmio. March 12. — Mons. Calogero Licata, Substitute of the Apostolic Penitentiary. — Mons. Giorgio Suba, of the Diocese of Munkács. — Mons. Francesco Parrillo, Defender of the Bond at the Tribunal of the Holy Roman Rota. Honorary Chamberlain *extra Urbem*: March 6, 1912. — Mons. Guglielmo AnderUc, of the Diocese of Sirmio. Honorary Secret Chaplain: March 6, 1912. — Mons. Casimiro Monti, of the Diocese of Ischia. Honorary Chaplain *extra Urbem*: March 12, 1912. — Mons. Vittore Melles, of the Diocese of Munkács. Honorary Secret Chamberlain of Sword and Cape: February 13, 1912. — Mr. Marquis Flavio Durazzo, of the Archdiocese of Genoa. NECROLOGY. March 7, 1912. — Mons. Guglielmo Blazek, Titular Bishop of Modra and second Auxiliary to the Archbishop of Olomouc.

[*Latin ed. p. 209*]

Year IV. - Volume IV. March 30, 1912. No. 6

ACTA APOTOLICA: OFFICIAL COMMENTARY

LETTERS OF THE HOLY FATHER.

I. THE CHURCH OF SAINT AMABILE, PARSONAGE, IN THE CITY OF RICOMAG, DIOCESE OF CLERMONT, IS DECORATED WITH THE TITLE OF MINOR BASILICA.

PIUS X.

For the perpetual memory of this event.

Following the custom, handed down by our predecessors, the Roman Pontiffs, of enhancing the dignity of certain sacred buildings, which stand out among others for a special reason, by means of titles and privileges, we justly maintain and preserve this right. Indeed, among the Christian people, the church which, dedicated to Saint Amabile, a priest and confessor, adorns the city of Ricomag in the diocese of Clermont, has been held in singular honor and esteem. For the relics of that most blessed man, the patron of the city, are, above all, distinguished by their antiquity and the glory of monuments; moreover, a magnificent building, begun at the beginning of the eleventh century, was erected in the same place where, almost five hundred years ago, a small chapel or oratory was built near the

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tomb of Saint Amabile; it abounds in works of all arts, and is richly adorned with relics of the heavens and abundant furnishings, so that it should be considered among the most noble churches in Arvernian lands. No less noteworthy are the divine offices, which the archpriest of the parish and his vicars, and many other priests, diligently perform. Therefore, when the Venerable Brother, Peter Mary Belmont, the Bishop of Clermont, obeying the wishes of the clergy and the people of Ricomag, humbly requested us to declare that church a Minor Basilica, we gladly decided to fulfill their desires. Wherefore, by our Apostolic authority, we declare:

ACTA, vol. IV, no. 6. - 30-3-1912. 15

[*Latin ed. p. 210*]

Acts of the Apostolic See. - Official Commentary. With all due solemnity, by the force of these documents, we elevate the ancient and renowned temple dedicated to the glorious Priest and Confessor, Saint Amabilis, in the city of Ricomagus, to the dignity of a Minor Basilica, and we grant it all those privileges which belong to the Minor Basilicas of this Our City: decreeing that these Our documents shall always exist and be valid and effective, and shall fully produce and obtain their intended effects, and shall fully support and be efficacious for all those to whom they pertain, now and in the future, in all things and through all things; and that in all matters pertaining to this, judgment shall be rendered according to what is stated herein, and that anything contrary to this shall be considered null and void, even if attempted by anyone, knowingly or unknowingly, with any authority whatsoever, notwithstanding any Apostolic Constitutions or other laws to the contrary. Given in Rome, at St. Peter's, under the Fisherman's Ring, on the 7th of March, 1912, in the ninth year of Our Pontificate. R. CARD. MERRY DEL VAL, L. S. from the Secretary of State. II. ERECTION OF THE CHURCH OF THE HOLY MARTYRS FERREOLUS AND FERRUTIUS, NEAR VESANCON, INTO A MINOR BASILICA. PIUS PP. X. For the perpetual memory of this event. — Sacred and glorious buildings, which, whether by their size, their works of art, or especially by the piety and devotion of the faithful, are outstanding, We, following the custom and practice of the Roman Pontiffs, enhance with honorable titles and exceptional privileges. Therefore, We have readily accepted the supplications and prayers of the Venerable Brother Franciscus Leo Gauthey, Archbishop of Besancon, by which he earnestly requested that We deign to grant the title of Minor Basilica to the church near Vesancon, in his diocese, which was recently built with public funds and dedicated to the Holy Martyrs Ferreolus and Ferrutius. We are easily persuaded to grant this privilege to the same building, since it is one that, having been built with great size and artistry, has been followed by the construction of sanctuaries above the glorious tomb of those martyrs, namely, in that very place where those illustrious champions of the Faith bravely suffered martyrdom for Christ.

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Furthermore, the relics of those holy martyrs, which are religiously preserved there, are venerated and honored by the people, and from ancient times, it has been customary for pious pilgrims to visit them each year, especially in the month of June, in order to commemorate the day of...

[*Latin ed. p. 211*]

Acta of Pope Pius X, page 211, the sixteenth month, the Nativity of the Saints, which is celebrated with the greatest piety. In this church, richly furnished with sacred furnishings, the clergy diligently and attentively perform divine services and other parish duties, and a devout sodality exists, canonically established, which, while exercising works of charity, strives above all to obtain from God, through prayers, that those still living in the regions of the Bisuntine Church, who are alienated from the true doctrine of the faith, may happily return to the Catholic religion. Given these circumstances, embracing with special benevolence all those mentioned above, the clergy, priests, and faithful, by the force of the present, We, by Our Apostolic Authority, elevate the church, recently built in honor of the Holy Martyrs Ferreolus and Ferrutius, near the city of Bisuntine, to the dignity of a Minor Basilica, permanently and in perpetuity, and We grant to it all and each of the rights, privileges, honors, and indulgences that belong to the Minor Basilicas of Our Most Holy City. We decree that these Our Letters shall always remain firm, valid, and efficacious, and shall fully and completely produce their intended effects, and that they shall fully suffice for those to whom they pertain, or who may pertain to them in the future; and that it shall be considered and declared to be rightly judged and defined, and to be void and of no effect, if anything contrary to these things should be attempted by anyone, knowingly or unknowingly, with any authority whatsoever. Notwithstanding any contrary provisions. Given at Rome, at St. Peter's, under the Fisherman's Ring, on the eighth day of March, 1912, in the ninth year of Our Pontificate. R. CARD. MERRY DEL VAL, L.)${ S. a Secretis Status. III. TITLE OF MINOR BASILICA FOR THE PARISH CHURCH OF THE IMMACULATE CONCEPTION IN THE TOWN OF "FAVERNEY," ARCHDIOCESE OF BISUNTINE. PIUS PP. X. For the perpetual memory of the matter. — Within the boundaries of the Archdiocese of Bisuntine, in the town commonly called "Faverney," which has taken its name from it, there exists an ancient church, formerly an abbey, built in the twelfth century along with a monastery of the Benedictine Order, and dedicated to God in honor of the Virgin Immaculate. This church, at the beginning of the nineteenth century, became the seat of the parish, and recently, thanks to the generosity of the faithful, it has been restored to its former splendor. For three centuries, the *summa* was held there.

[*Latin ed. p. 212*]

212 Acta Apostolicae Sedis. - Official Commentary. The Holy Host,

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which in the year one thousand six hundred and eighty, while exposed for the adoration of the faithful in the repository, miraculously remained unharmed after a widespread fire that raged all around, being recovered thirty-three hours later from the midst of the flames; this Host was also authentically and legitimately recognized in the eighteenth century. Therefore, even to this day, large numbers of devout faithful gather at the church, to venerate the very ancient image of the Immaculate Virgin Mary, known by the common name "Notre-Dame de la Blanche," and to seek her intercession. Since that time, faithful also gather in large numbers to venerate the Holy Host itself, with fervent piety. The priests who dedicate themselves to teaching philosophy in the seminary, together with the Dean of the parish, perform all the sacred offices in this church, with the dignity and diligence that befits them. Furthermore, a canonically established Confraternity of the Most Holy Sacrament has existed in this same church since the seventeenth century, to which illustrious men, both from Gallia and from foreign lands, have been admitted, who cultivate the piety and devotion to the Sacrament of Divine Love with commendable zeal. Based on these reasons, when the Venerable Brother Franciscus Leo Gauthey, Archbishop of Bisuntenorum, humbly requested that we deign to elevate this parish church to the dignity of a Minor Basilica, we, remembering the glorious history of this same church, were most pleased to grant his request. Therefore, by our Apostolic Authority, in the presence of all, and forever, we hereby bestow upon the curial church dedicated to the Blessed Virgin Mary, commonly known as "Notre-Dame de la Blanche," located in the town of "Faverney," in the diocese of Bisuntenorum, within the territory of *fines*, the title and dignity of a Minor Basilica, with all the honors and privileges that rightfully belong to the Minor Basilicas of this Holy City. We decree that these present letters shall always remain valid and effective, and shall fully obtain their intended effects, and that they shall fully support and be of benefit to those to whom they pertain, now or in the future; and that it shall be duly judged and determined, and that whatever is contrary to these shall be declared void and of no effect, notwithstanding any contrary provisions. Given at Rome, at St. Peter's, under the Fisherman's Ring, on the eighth day of March, in the year nineteen hundred and twelve, in the ninth year of Our Pontificate. R. CARD. MERRY DEL VAL, L. © S. a Secretis Status.

[*Latin ed. p. 213*]

Acta PP. X. 213. LETTER. TO JOSEPH MARY CARDINAL GOS Y MACHO, ARCHBISHOP OF VALLISOLETI, CONCERNING THE CATHOLIC CONVIVIUM OF CATECHISMS TO BE HELD IN VALLISOLETI.

Beloved Son, health and the apostolic blessing. — It is with great pleasure that We respond to your proposal to hold a Catholic convium of cat-

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echisms in Valladolid. We know, beloved Son, that with the utmost zeal and solicitude, since the beginning of Our supreme pontificate, We have, through encyclical letters, exhorted all bishops and pastors to instruct the people in the precepts of the Christian faith. We ourselves are mindful of the most sacred duty of tending to the Lord's flock, and We observe how much evil arises from the miserable and widespread ignorance of divine things. Therefore, your diligence is pleasing to Us, and it fills Us with the joyful expectation of fruitful results. Moreover, We have learned from your letters that not only the bishops of the province of Valladolid, but also many bishops of all of Spain, are in agreement, and that you are confident that they will be partners in your plans and endeavors, so that the hope shines that the convium, with its provincial purpose, will be truly and in reality fruitful for the entire nation. Know that We have received this news with great satisfaction, not only because it demonstrates diligence worthy of bishops and highly appropriate for these times, but also because a wider consensus of scholars increases the hope of usefulness.

But We clearly understand, beloved Son, that this diligence of the bishops requires the cooperation of the clergy. For if these, lacking in concord, fail to guide others with heavenly wisdom and to be leaders in virtue, then little will be achieved by the bishops' efforts in this matter. Therefore, We address the clergy, urging and imploring them in the Lord never to neglect their duty of imparting Christian doctrine to the faithful, nor to perform this task negligently or carelessly. Let them reflect and seriously consider that the principal aspects of their ministry are to rightly instruct the people in the truths of the faith; and let them realize that these aspects are often made more important, especially in these times, both because of the lamentable negligence of parents, and because of the many poisons of doctrines that corrupt minds with false opinions and lead to vices.

However, beloved Son, We believe that nothing can be more beneficial to the Christian people than if the clergy sow and diligently cultivate the seeds of Christian wisdom in their hearts, in order to rekindle faith and promote a better life.

[*Latin ed. p. 214*]

Acta Apostolicae Sedis. - Official Commentary. Wherefore, we beseech God that He may be gracious to you and to all those who will be gathered in Valladolid, under your guidance, and that He may grant them benevolent intentions, that they may undertake those endeavors which best serve the sacred instruction in Spain, and which may benefit the Catholic cause. May the Apostolic Blessing, a true sign of Our divine favor, be upon you and upon them, which We impart from the heart. Given in Rome, at St. Peter's, on the tenth day of March, in the ninth year of Our Pontificate. PIUS PP. X.

DECLARATION AND RETRACTION OF THE MOST REVEREND FATHER CYRILLUS MACARUS, FORMERLY PATRIARCH OF THE COPTIC

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RITES OF ALEXANDRIA.

I, the undersigned, Cyrillus Macarus, retired Patriarch of the Coptic Catholics, having come spontaneously to Rome to attest to the Holy See my firm resolution to live and die in the Catholic faith, under the obedience of the Roman Pontiff, freely and sincerely declare the following:

I express the utmost regret for having, in days of temptation, discouragement, and profound moral disturbance, publicly adhered to the Greek schismatic Church of Alexandria in Egypt, yet I thank God for not having participated in the religious acts of the aforementioned Church.

I retract all my actions to that effect, I condemn them, I deplore them with all my heart, I am prepared to accept all the penances and reparations that the Holy See may deem fitting to impose upon me, and to live henceforth in retirement, devoted to the exercises of piety and to the studies that are dear to me.

I likewise retract, I condemn, and I deplore with all my heart, whatever I may have said, done, or written during my aberration, which was schismatic, and I humbly ask forgiveness for the scandals caused by my defection to the faithful.

Finally, I renew my solemn promises of obedience to the Apostolic See, and my full and sincere adherence to the doctrines and teachings of the Holy Catholic Roman Church, especially with regard to the absolute primacy, by divine right, of the Roman Pontiff over the Church in general, and over every rite and every faithful in particular.

Rome, March 9, 1912.

f Kyrillos Macarus.

[*Latin ed. p. 215*]

SACRED CONGREGATION OF THE COUNCIL. 215 SACRED CONGREGATION OF THE COUNCIL OF GERONA. CONCERNING REVENUES. Following the death of the Most Reverend Thomas Sivilla in the year 1906, and the resulting vacancy of the episcopal see of Gerona, a dispute arose concerning the revenues derived from the exercise of jurisdiction and the use of the seal: to whom, namely, should these revenues belong during the vacancy, to the Vicar Capitular, to the Chapter, or rather, to the future Bishop. This question was hotly debated throughout the period of the vacancy between the Chapter and the Vicar Capitular, the Most Reverend Joseph Matas, who, believing that the revenues from jurisdiction and the seal belonged exclusively to him, retained them entirely for himself, despite the Chapter's claims. The new Bishop, to whom the question was presented, considered that neither of the disputants had a right to these revenues, and rather that they should be reserved to himself as the successor to the episcopate. However, not daring to resolve this difficult question on his own, he referred it to the

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judgment of this Sacred Congregation, submitting the following question for consideration: To whom do the revenues derived from the exercise of jurisdiction and the use of the seal belong during the vacancy of the Most Reverend Thomas Sivilla, Bishop of Gerona: to the Bishop, to the Cathedral Chapter, or to the Vicar Capitular? The Chapter, seeking to have its further rights recognized, as it had requested, is astonished and laments that the Bishop has expanded the scope of the dispute; for it has never claimed or asserted ownership of the revenues from jurisdiction, but only of the seal, namely, those revenues that are derived from documents on which the Chapter's seal is affixed. Therefore, it contends that these revenues belong to it, in addition to the provision contained in the statutes of the Chapter, approved by the Ordinary, where in article 60 it is written: "The revenues from the seal during a vacancy shall belong exclusively to the Chapter," even due to special titles that it derives from the history and origin of this right. It recounts that, in the year 1344, as can be gathered from several ancient books, Arnold of Mourodon, Bishop of Gerona, donated the seals and their revenues to the Chapter; from this donation, the Chapter derived ownership of the seals, along with their revenues, not only during a vacancy, but also during a filled see. Indeed, from ancient Chapter records, it is learned that the Chapter established its right to the use of the seals annually.

[*Latin ed. p. 216*]

216 Acta Apostolicae Sedis. - Official Commentary. Price: 200 monetary units of Barcelona. And in the year 1656, the Archdeacon Cardona, to whom the office of Vicar Capitular belonged by virtue of a privilege, during the vacancy of the see, challenged the Chapter's right concerning the property of the seals; and this matter was brought before the Sacred Roman Rota. And this Tribunal, on January 15, 1663, issued a judgment favorable to the Chapter, which was confirmed on appeal on April 20 of the same year, with the words: "In decisis." However, despite these decisions, disagreements and contentions concerning said right did not cease; therefore, on April 1, 1665, an agreement was reached between the Bishop, Joseph Ninot, and the Chapter, whereby any revenues derived from the use of the seals were ceded to the Bishop, on the condition that the Chapter's canon and administrator would receive two hundred annual payments, and that, upon a vacancy of the see, the seals, along with their revenues, would revert to the property of the Chapter. This agreement was ratified and declared to be observed and fulfilled under oath by all the Bishops Ninot who occupied the See of Gerona, and by the Chapter when it requested it, until the current Concordat with the Apostolic See of 1851. Similarly, other Bishops acted in this manner after the Concordat, until the last Vicar Capitular, who was the origin of this dispute, and who, although he himself swore to observe the statutes and rights of the

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Chapter, refused to pay the revenues from the seals. From all of this, the Chapter concludes that it is clearly evident that the right to receive the revenues from the seals, recognized by the Holy Roman Rota, belongs to the Chapter, even during the presence of a Bishop, from the year 1344, and only during a vacancy of the see, from the year 1757 until the present day, according to the new regulations established by the Concordats. On the contrary, it is argued: 1. The title or foundation of the alleged right of the Chapter, namely, the donation of 1344 made by Bishop Mourodon, is very uncertain and obscure, as is shown among other things by the intense disputes and controversies that arose on this matter with the Bishops, the Vicars Capitular, and even with the officials of the Apostolic Chamber. The Bishop states: "From ancient times, there was in the Cathedral Church of Gerona a certain entity called 'ferias,' to which it was incumbent to provide for all revenues, whatever they might be, whether belonging to the Cathedral Church or to the Chapter itself, and from this accumulated fund, the Chapter, in the year 1344, granted a sum of money as a loan to the Bishop of Gerona, Arnold of Mourodon, who, as a pledge of good faith, seems to have donated the revenues from the seals to the episcopal palace." However, it should be noted that Bishop Mourodon neither

[*Latin ed. p. 217*]

Holy Congregation of Councils. 217 "The diocese requested the aforementioned sum of money, but, because of 'the Cathedral Church of this diocese, a marvelous work of architectural art,' into whose construction it invested the entire sum. The most noble and praiseworthy zeal of Bishop Mourodon for this Holy Church, which, although it undoubtedly benefited the canons themselves more than any others, caused many inconveniences and troubles for the Bishops of Gerona." T. Furthermore, the question was never definitively decided in favor of the Chapter by the Holy Roman Rota in the petitionary judgment: for the two sentences cited, nos. 394 and 395, before Celso, concerned the maintenance of possession of the seals, which possession was, in fact, at that time held by the Chapter; but with regard to the validity of the title, the Holy Rota stated: "Exceptions will be discussed in the petition, and in the meantime, possession will be granted to the Chapter." 3°. The subsequent agreements or transactions indicate that the original right was, in fact, doubtful and uncertain, and should be considered as the beginning of possession. 4°. However, the agreement entered into with Bishop Ninot in the year 1665, they say, was only temporary and personal; and although it was extended by subsequent Bishops, it cannot constitute a certain and definitive right, but rather, the Bishop notes, "in the 14th century, by virtue of Apostolic Reservations, the revenues of vacant sees were to be paid into the papal treasury, and these Reservations applied only to episcopal sees in Spain. However, this general law did not exempt the See of Gerona in any way; therefore, the Chapter has not been able to

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prove that it ever received emoluments from the seals before the year 1876, due to the translation of Bishop Bonet to the archiepiscopal See of Tarragona." From these things, it is permissible to infer that "it is quite clear that, when dealing with an agreement between private individuals, it cannot, in any way, constitute an exception to the general ecclesiastical law." 5°. Furthermore, the aforementioned agreements of Bishop Ninot and others were confirmed in the year 1757, strengthened by papal and royal authority, between the Bishop of Palermo and the Chapter, which included various questions and resolved them, namely, concerning criminal causes of the canons, concerning the visitation of the Cathedral Church, concerning the right of patronage with regard to benefices; but in the matter of the seals, only the mere honor was reserved to the Chapter, namely, that they should keep them when the see was vacant, and that the Bishop should use them when the see was filled, and with regard to emoluments, not a word. In this matter, the words of the agreement are: "Point fourth: Likewise, it is agreed..."

[*Latin ed. p. 218*]

218 Acta Apostolicae Sedis. - Official Commentary. "The Chapter cedes and donates to the episcopal Mitre or Table twice one hundred pounds of the currency of Barcelona as an annual pension, which said Table customarily pays for the so-called "Ferial" work, with the express condition that, notwithstanding this cession, the episcopal Curia must entirely use the same seal, and that said Chapter must be obligated to safeguard said seal when the Church is vacant, until the successor of the episcopal Church begins to take possession of said bishopric, to whom said Chapter must deliver it, as has been preserved until now." Therefore, the Bishop observes, "by this agreement, that ancient right of the Bishop Ninot concerning the maintenance of the episcopal seal has been entirely abolished, and the new right of the Chapter to merely safeguard the seal when the Church is vacant, until the successor begins to take possession, is restricted, and no faculty is granted to the Chapter itself to receive any fruits, when the seat is vacant, and therefore, it is only a matter of honor, and not of any utility, which is especially objectionable." From this, it can also legitimately be deduced that the oath taken by Bishops and Capitular Vicars in the act of successive possession does not affect the revenues of the seals, but rather other parts of the agreement: "Indeed, I confess that I am ignorant of what my predecessors may have sworn," says the Bishop, "but it seems almost unbelievable that they would have taken an oath to do something that would involve a detriment, both to the episcopal dignity and to the reservations of the Pontiffs, and also to the agreements themselves." 6°. Finally, it cannot be usefully invoked in favor of the Chapter the argument drawn from the possession of something that has been "centenaria" [centenaria], since, without the Chapter dissenting, it was neither peaceful nor continuous: since this right,

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as has been said, was continuously challenged and vigorously contested. Indeed, the Chapter itself affirms that in the year 1650, the canonical "ferial" administrator "recovered the seal so that documents could be sealed by him..." Furthermore, it is established that the Chapter has received nothing at all from the use of the seal when the seat was vacant, at least from the year 1757 until the year 1876. The Bishop says: "The agreement between Benedict XIV and King Ferdinand VI, ratified in the year 1753, stipulated that the fruits of vacant churches were to be ceded for pious purposes, and granted to the Catholic King the faculty of choosing collectors, who, protected by royal authority, would be the administrators of those fruits; for this reason, from that time on, whenever the episcopal see of Gerona was vacant, royal sub-collectors of spoils and vacant properties received all the revenues of the jurisdiction and the seal." Therefore, the former right or privilege of the Chapter must be considered as antiquated and completely obsolete. And this is indeed true to the extent that...

[*Latin ed. p. 219*]

The Holy Congregation of Councils. In 219, when, in 1868, the Chapter attempted to revive the ancient law, and doubts arose concerning what precisely was included in the revenues of the seal, on September 17, 1877, it was declared that the revenues of the seal included whatever the Metropolitan or Bishop indiscriminately received when the See was filled, from the Secretariat of the Chamber, or the revenues of the Vicariate Curia for charitable matters, and the Officialate for judicial matters; which was not true, for the revenues of the Vicariate were not included in the alleged donation of the year 1344. Thus, the Chapter demonstrated that it had preserved no accurate memory of the ancient law. Therefore, it seems necessary, they say, to absolutely reject its application to the aforementioned revenues; especially since, according to the currently accepted discipline, the intervention of Chapters in the administration and rights of the diocese when the See is vacant is not permitted, which must be entirely transferred to the capitular vicar. Moreover, these emoluments, being due as compensation for labor, are considered purely personal and should only be transferred to the one who performs the duties. With the ancient law of the Chapters thus invalidated, the right in favor of the capitular vicar gains greater strength. Indeed, according to the general rule, according to the law of the Decretals, the fruits of vacant benefices must be spent for the benefit of those benefices, or faithfully reserved for future successors, and Boniface VIII decreed that, when the See is vacant, Chapters or individual persons cannot occupy or divide among themselves the goods arising during the time of the vacancy, even if it concerns emoluments derived from jurisdiction and the seal, or other sources; as declared by Clement V in *Statutum*, and as is generally taught in *De elect.* and DD. Furthermore, the Doctors commonly warn that the aforementioned provisions and resolutions should be understood

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to refer to those eventual revenues which are directly derived from jurisdiction and the seal, and which, when the See is filled, are not transferred to the general vicar, but to the bishop exercising jurisdiction, or to another in that title; while the remaining emoluments, which, when the See is filled, would pertain to the general vicar by reason of his office, should exclusively be transferred to the capitular vicar when the See is vacant. (Laurent., *De Vicar.*, tract. B, cap. 1). Therefore, in the aforementioned decree of Goa, March 6, 1847, the Holy Congregation declared: "The emoluments which, when the See is filled, pertain to the general vicar, pertain, when the See is vacant, to the capitular vicar..."

[*Latin ed. p. 220*]

Acts of the Apostolic See. - Official Commentary. The esteemed Consultor explains at length whether such norms can be enforced in places where a particular discipline is in force, established by concordat laws, or where the rights of the Apostolic Camera are in effect, and how the words of the Clementine Decrees should be understood with regard to capitular vicars.

Although the Bishop of Gerona, after gathering more information to exclude the Chapter and the Capitular Vicar from participating in the revenues during a vacancy, attempts to demonstrate that these should be reserved to him as the successor to the bishop, according to the texts of the Decretals, the resolutions of the Holy Congregation, and the doctrine of the canonists, he writes: "The first canonical provision regarding 'revenues during a vacancy' is found in chapter 7 of the Statute, title 3, book I of Clementines, where it is stated that all revenues derived from jurisdiction and the seal, or from any other source that would belong to the bishop when the see is filled, should be faithfully reserved for the future successor, except for necessary expenses, notwithstanding any custom to the contrary."

"Numerous resolutions of the Sacred Congregation of the Council confirm this law, among which are those in Agrigento and Cephaludena (November 17, 1594), in Nullius (July 16, 1616), and in Ostia (July 27, 1708), which declare: 'Revenues arising from jurisdiction and the seal, or from any other source, during the vacancy of the episcopal see, do not belong to the Chapter, nor to the Vicar, but are freely reserved for the future successor, if they would have belonged to the bishop when the see is filled'; from these, however, it must be deduced that a reasonable salary should be established and paid to the Vicar." Furthermore, in Einen (March 28, 1848), they add: "The capitular Vicar can receive nothing, even for the seal, notwithstanding the most inviolable observance," and in Goa (March 6, 1847): "Revenues that would have belonged to the general Vicar when the see is filled, belong to the capitular Vicar when the see is vacant."

And although the Sacred Roman Congregations have never departed from this criterion, as is evident in the resolutions in Janua (February 23,

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1875) and in Mexico (February 14, 1857), they have sometimes admitted, as a legitimate title for acquiring the fruits arising during a vacancy, an apostolic privilege and an immemorial custom, as is evident from the resolutions of the Sacred Congregation of the Council in Cephaludena (November 17, 1594) and in Goa (February 26, 1856).

The most distinguished of the canonists, agreeing with the merits of the Sacred Congregations, teach the same doctrine, among whom are: Benedict XIV, *De Synod. Dioeces.*, book X, chapter X, number 4; Laurentius, *De Vicar.*, tractate, chapter 1, question 405; Ventriglia, *loc. cit.*, number 33; Pellegrini, *De Vicariis*, part I, section 4; Barbosa, *Collectio doctrinæ ad Concilium*.

[*Latin ed. p. 221*]

The Holy Congregation of Councils. "Council of Trent, Session 25, Chapter 2, paragraph 9; De Angelis, *Praelectiones Juris Canonici*, Book I, title 28, paragraph 22, and Russo, *Codex Vigens De Personis*, canon 768. It is, however, to be noted that De Angelis, in *Praelectiones Juris Canonici*, Book I, title 27, states: 'In this matter, everything is determined according to the custom of each diocese.' Indeed, in past years, countless reservations, by which the good of the Universal Church, as far as possible, might be promoted, were made, especially due to the needs of the Apostolic See; thus, by virtue of the laws 'Concerning spoils and vacant sees,' the fruits of the vacant bishoprics in Hispania were destined to the Treasury of the Apostolic See, and this new jurisprudence was modified by the Concordat of the year 1737 between Pope Clement XII and King Philip V, in which it was stipulated (article 22) that the Roman Pontiff would decree that one-third of the fruits of the churches in Hispania that were vacant would henceforth be allocated to support churches and the poor; but this agreement lost its legal force due to another Concordat between Benedict XIV and Ferdinand VI in the year 1753, in which it was decided that, with certain exceptions for reimbursements to the Apostolic Treasury, whatever was collected through spoils and vacant sees should be destined for pious uses as prescribed by the Sacred Canons, to the observance of which the Catholic King was to choose economists and collectors who would administer these matters faithfully under his royal protection. In the archives of this diocese, there exist documents relating to the collection of spoils and vacant sees pertaining to the time of the vacancy of the sees of the Reverend Bishops who governed the Diocese of Gerundensi from the year 1775 until 1834; in these documents, it is clearly evident that the revenues from jurisdiction and seals flowed into the 'Collector's Office of Vacant Sees,' and that no portion of these revenues reached the Chapter of Gerundensi, although sometimes a certain sum was granted to the vicarious chapter when the see was vacant. The Concordat of the year 1851, now in force in Hispania, by article 12, suppressed this general collector's office of spoils,

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vacant sees, and annates, stipulating that they be incorporated into the General Commissariat of the Holy Cross, created to conclude unfinished business and to collect outstanding revenues, and in article 37, it stipulates that assignments obtained during the vacancy of a bishopric, after deducting emoluments for the economist and necessary expenses for the repair of the bishop's house, should be equally distributed between the seminary and the succeeding bishop. Now, considering that these reservations have already been abolished by the Apostolic See, and that the General Collector's Office of spoils and vacant sees has also been abolished,

[*Latin ed. p. 222*]

222 Acta Apostolicae Sedis. - Official Commentary. "Since the Concordat of 1851 does not specify to whom revenues derived from 'jurisdiction and the seal, accumulated during the vacancy of the see,' pertain, it is certain that ecclesiastical common law applies, and that this controversy should be resolved according to it. In the diocese of Gerona, from the year 1851 until the present day, the episcopal see has been vacant four times: after the pontificate of Bishop Lorente in 1862, Bishop Bonet in 1876, Bishop Valls in 1877, and Bishop Sivilla in 1906. During the vacancy of the see following the pontificate of Bishop Lorente, it is unknown who received the revenues, but in the subsequent vacancies during the pontificates of Bishops Bonet and Valls, the Chapter received them, and the question concerning which we are now discussing pertains entirely to the vacancy of the see after the death of Bishop Sivilla. Furthermore, neither law, nor the Apostolic privilege, nor any custom exists, either for the Chapter or for the Capitular Vicar: to whom do the revenues obtained during the vacancy of the see pertain at that time?" After briefly considering these matters from the files, the undersigned are requested by the Most Reverend Fathers to state their opinion on the following question: To whom do the revenues of jurisdiction and the seal pertain, during a vacancy of the see, in this case? And the Most Reverend Fathers, on June 10, 1911, deigned to respond to the proposed question: "Deferred for further consideration." Again, with new information presented, the case was resumed, and on December 16 of the same year, the Most Reverend Fathers responded to the aforementioned question: "Affirmatively, in favor of the Capitular Vicar." Rome, from the Secretariat of the Sacred Congregation for the Council, on February 15, 1912. I. Grazioli, Under-Secretary. OPINION OF THE CONSULTOR. 1. In the year 1906, with the see of Gerona vacant due to the death of the Reverend Bishop Thomas Sivilla, Canon Joseph Matas was elected as Capitular Vicar, with whom the Cathedral Chapter began to dispute regarding the collection of eventual emoluments derived from the seal; for the Capitular Vicar retained those emoluments, believing that all revenues and rights pertaining to him were due during the vacancy of the see, arising from the exercise of jurisdiction and the use of the seal; the Chapter, on the

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other hand, claimed to have special titles to receive the revenues of the seal. The matter could not be resolved peacefully throughout the period of the vacancy; therefore, shortly after the arrival of the new, current Bishop, both parties submitted the matter to the Bishop for a decision.

[*Latin ed. p. 223*]

Sacred Congregation of Goncilium. [There is a] controversy. However, when the Bishop examined the matter more closely, he judged that the disputed right truly did not pertain to the Chapter, nor to the Capitular Vicar, but rather to the succeeding Bishop, that is, in this case, to himself: "But since," he says, "the question concerns a matter 'not clearly defined in the canon law of Spain,' other than the fact that it 'very much affects the dignity of the episcopate,' I have not dared to define the matter; and therefore, I propose the following question to this Sacred Congregation: 'To whom do the emoluments obtained by right of jurisdiction and the seal pertain in the vacant See of the Most Reverend Thomas Sivilla, Bishop of Gerona?' To the Bishop, to the Cathedral Chapter, or to the Capitular Vicar?"

2. In this question, it must be noted the extension or amplification of the terms of the question made by the Bishop; regarding this extension, the Chapter has objected with these words: "The Bishop requests that the Sacred Congregation declare to whom the revenues of jurisdiction and the seal pertain; concerning which, it is known that the Chapter has never requested the revenues of jurisdiction, but only the seal, that is, the emoluments received from documents in which the Chapter's seal appears"; therefore, at the end of its Memorial, the Chapter first requests that the Sacred Congregation deign to restrict the question proposed by the Most Reverend Bishop to the revenues of the seal alone. The Bishop, if I am not mistaken, with this intention not sufficiently concealed, amplified the question, so that if the Sacred Congregation gives a response favorable to him, he may recover from the Capitular Vicar not only the emoluments claimed by the Chapter, but also any other eventual revenues that may have arisen during the time of the vacant See. How much more determined is the difference between the claim of the Chapter and the amplification introduced by the Bishop will become clearer from what follows.

3. First, therefore, it is necessary to consider the right of the Chapter to the revenues of the seal, during a vacancy. And certainly, the Chapter does not deny the intention of its opponent to the common law; but it repeatedly states that "in the present case, a particular and proper right of this Cathedral, which is established for the Chapter, must prevail."

4. The first foundation and title of such a particular right, and from which, according to the Chapter, the very right invoked today originates, is the donation of the seals and consequently also of the revenues arising from their use, not only during a vacancy but also during a filled See,

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made perpetually in favor of the Chapter in the year 1344 by Arnold de Mourodon, then Bishop of Gerona.

[*Latin ed. p. 224*]

224 Acta Apostolicae Sedis. - Official Commentary. 5. Indeed, the title of this kind is entirely uncertain; for it is clearly demonstrated by numerous and repeated controversies that arose over time between the Chapter on the one hand, and the Bishop, the Capitular Vicar, and the officials of the Apostolic Camera on the other, regarding these seals and their revenues, that such a title either never existed or, at the very least, was never validly recognized. And it must be carefully noted that these controversies were never definitively settled by judicial authority; because two Rotales sentences issued in 1663 in favor of the Chapter did not pertain to anything other than the mandate to maintain possession of the seals, as can be seen in decisions 394 and 597 before Celso, which are the two decisions given in this case concerning the seals of Gerona. Therefore, the Rota recognized the Chapter's possession of these seals because, during the period of the dispute concerning the maintenance of the seals, namely in the year 1656, as well as at other times mentioned therein, the Chapter itself was found to be in possession of the same seals; but with regard to the validity of the aforementioned title, the Rota stated: "Exceptions will be discussed in the petition, and in the meantime, maintenance of the Chapter will be granted." Furthermore, the validity of that title of donation is demonstrated by subsequent agreements or transactions initiated by the Chapter concerning this right of the seals; for a transaction is made only concerning a doubtful and uncertain matter, and, as is well known, through a transaction, ancient titles and rights are dissolved and merged into the title and right established and defined in that very transaction. Therefore, that alleged donation could, at most, be invoked by the Chapter as the beginning of possession and prescription, the evolution and vicissitudes of which should be followed and with which it should be confused, and from which it now, as far as legal value is concerned, depends. In truth, the Chapter, more than relying on that title of donation, now relies on possession and prescription lasting five centuries or more, as it itself states, and in that it places the greatest confidence. 6. If, in truth, the Chapter were to demonstrate that it had peacefully and continuously held that possession for five centuries or more, and especially that it had lasted uninterruptedly even until our time, there would be no doubt that the title would be valid. But the arguments presented by the Chapter in no way provide that necessary demonstration, because we are compelled to admit that the possession itself was not peaceful, and much less that it persevered continuously and without interruption until the present day. 7. The Bishop, moreover, in his new arguments, goes so far as to assert that the Chapter is to hold "the revenues of the seals, when the see is vacant, nor while the pontifical reservations were in force,"

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that is, the rights of the Apostolic Camera regarding the spoils and fruits of vacant benefices - "nor during the validity of the Concordat of 1753, or from its end."

[*Latin ed. p. 225*]

Sacred Congregation of the Council. 225 "From the year 1814 until the year 1851, it never received [anything]." This is certainly too much; for, as we have already seen, in the year 1663, the Sacred Roman Rota granted the Chapter a mandate to maintain possession of the seals and, consequently, to collect the revenues; and in the aforementioned Rotal decisions in which this right is recognized to the Chapter, there are several arguments that demonstrate the Chapter's possession at that time, and in some cases even earlier: at that time, the right to retain the seals and to collect their revenues was exercised by the Chapter not only when the see was vacant, but also when the see was filled. Following this, in the year 1665, there was an agreement between Bishop Joseph Ninot and the Chapter, in which, according to the current Bishop himself, "for certain specific transactions between the Bishop and the Chapter, an agreement was made whereby the Chapter would cede to the Bishop, while the Diocese was under his governance, all the revenues of the seal, with the condition, on the part of the Bishop, of paying annually to the Chapter 200 *libellas* of Barcelona currency; but upon the death of the Bishop or the vacancy of the see, the Chapter was to reclaim said seals together with their emoluments." Therefore, it is clear that the Chapter, when the see was vacant, sometimes received the emoluments of the seal.

8. Nor does the Bishop's appeal to the rights of spoils and vacant offices in favor of the Apostolic Chamber, from which the Bishop previously argued "that the agreement of Bishop Ninot never came into effect regarding the emoluments of the seal when the see was vacant." Certainly, no one denies that the rights of the Apostolic Chamber were in force in Spain, at least for vacant episcopal sees, as witnesses are, among others, Garcia, *De Benef.*, part 2, chapter 1, paragraph 91; Barbosa, *Vot. decis.*, 101, paragraph 3; Gonzalez, *In Decret.*, book 1, title XXXI, chapter 4, and it is openly stated in the Constitution of St. Pius V, "Others have issued," December 12, 1567, renewing a similar Constitution of Julius III, March 20, 1554. Indeed, it is certain that the Apostolic Chamber also received not only the revenues of the vacant episcopal table, but also taxes and emoluments derived from jurisdiction and the seal, provided that, as Cardinal De Luca states in *De Benef.*, discourse XC, paragraph 74, that "when the episcopal see is vacant, the ministers of the Apostolic Chamber demand and collect, among the fruits and emoluments of the Church, also these of jurisdiction and the chancery"; and in the aforementioned Constitutions of Julius III and Pius V, the general collector of fruits and revenues and other rights belonging to the Apostolic Chamber is granted, in the kingdoms of

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Spain, the power, either by himself or through sub-collectors, to collect, demand, and levy all and each of the fruits, revenues, emoluments, rights, collections, and emoluments of individual cathedral churches, in any way vacant, whatever their origin.

All of this is true; however, nothing prevents the fact that, in *ACTA*, volume IV, number 6...— March 30, 1912. 16

[*Latin ed. p. 226*]

Acts of the Apostolic See. - Official Commentary. Notwithstanding these laws, there were, in some places, those who, in fact, received the fruits and emoluments of vacant benefices. But actual possession, in itself, implies a fact; and facts cannot be excluded if it is demonstrated that they existed elsewhere, supported by historical documents. Indeed, we have seen that the Chapter of Gerona had, at one time, possessed the seals and the emoluments derived from them; moreover, it had maintained this possession through sentences of the Rota and an agreement with the Bishop.

9. While we admit this, we must, on the other hand, affirm that this possession was not peaceful; for the exercise of this right clearly contradicted the clear and established canonical rules and the rights reserved in favor of the Apostolic Chamber, and the Chapter did not demonstrate a certain legitimate title for its alleged right; hence, the exercise itself, being unlawful, was opposed by the Bishop, as well as by the Major Archdeacon of Rogaciones (who held the first dignity and, by a special privilege, had the exclusive right to govern the diocese in the event of a vacancy, being, in effect, the born Vicariate Capitular), and also by the sub-collectors of the Apostolic Chamber. The Chapter does not deny this; on the contrary, it affirms that in the year 1656, precisely in order to vindicate and defend the right of the Chapter, which was so fiercely contested, the canonical administrator of the Chapter recovered the seals, so that he could seal documents and receive revenues. Indeed, as it is clear from the aforementioned Rotali decision 397 before Celso, the notary of the Curia or Vicariate of Gerona had previously held these seals, which had been granted to him by the Chapter in commendam, with the obligation of restitution and of rendering an account of all emoluments; but when the vacancy of the see occurred in the aforementioned year 1656, and the Archdeacon, Dom Bernard of Cardona, assumed the administration of the diocese by virtue of his own right, the Chapter seized this opportunity to retain and exercise the right to the seals, which had been so fiercely contested on many occasions, and kept them with itself.

Against this occupation, an objection arose, not from the Archdeacon himself, as the Chapter states, but (as it appears from the information in the case of Gerona-Sigillorum before Otalora, March 3, 1664) from the Reverend Sub-collector of the Apostolic Chamber, who contended that these seals did not belong to the Chapter, and that they should therefore be

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returned to the Vicariate Curia, and who claimed the emoluments of the Apostolic Chamber, derived from the use of the seals, during the vacancy. The Sub-collector obtained a favorable judgment in the Diocesan Tribunal, but after an appeal was lodged by the Chapter with the Holy See, the case was referred to the Tribunal of the Rota, before which the Fiscal Advocate of the Apostolic Chamber, the Archdeacon, or Vicariate Capitular, and the new Bishop argued against the Chapter.

[*Latin ed. p. 227*]

The Holy Congregation, following the Council, has ruled. However, as we have said, the matter was debated only concerning possession, and twice it was decided in favor of the Chapter; but this did not end the disputes, because the rulings did not define whether the Chapter's possession was just or unjust.

10. In the petition, however, the cause was never discussed or settled, because in the year 1665, an agreement or transaction, as mentioned above, was initiated between Bishop Ninot and the Chapter. It is, however, important to note that, according to the confession of the present Chapter itself, this agreement was only temporary and personal between Bishop Ninot and the Chapter; and although all and each of the succeeding Bishops, when required by the Chapter, swore to observe and fulfill the agreement of Ninot, the force of such an oath could not be other than to extend, from pontificate to pontificate, the temporary and personal transaction agreed upon with Bishop Ninot, but never to make that right claimed by the Chapter firm, certain, and perpetual. Furthermore, this agreement could indeed bind the Bishops themselves; but could its force also be extended against the Vicars of the Chapter, and especially against the officials of the Apostolic Chamber? And were they heard and did they consent to this agreement, as far as it concerned the time of the vacant see? These matters are entirely uncertain, and we learn nothing about them, at least in the records of the present controversy.

11. Therefore, it appears that the Chapter's right to retain the seals and to receive the revenues was not sufficiently certain and firm, based on what has been said so far. But the reason which most strongly opposes the intention of the Chapter, and which seems to nullify and completely destroy its modern claims, is the lack of continuity in the exercise of receiving those revenues, and the interruption which certainly lasted from the year 1757 until the year 1876, when the Chapter again attempted to revive its ancient right. The Chapter now asserts in its new arguments (part I, II): "From the Chapter records and accounting tables existing in the Chapter's archive, it is clear that the Chapter continuously received the revenues of the seal from the year of the grant, that is, from 1344 until 1736." However, it does not prove this assertion. But even if this very general assertion were admitted, it openly confesses that after the year 1756, it no longer received those

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revenues. Why was this the case?

12. Therefore, in the year 1757, a new agreement was made between Bishop Gerundensem, John Anthony de Palmero, the Archdeacon Isidore Orteu (who, as we have said, by reason of his dignity was, during the vacancy of the see, the Vicariate of the Chapter), and the Chapter; and, besides other articles not pertaining to our matter, it was also stipulated:

[*Latin ed. p. 228*]

Acts of the Apostolic See. - Official Commentary. Concerning the right to seals, and thus it is stipulated: "Point IV. Similarly, the 'Capitulum' [chapter or body] yields and donates 200 pounds of the currency of Barcelona as an annual pension, which the aforementioned 'mensa' [treasury or table] pays in reason of the seal, the mass, or the work, commonly called the 'Ferialis,' with the express condition that, notwithstanding this cession, the episcopal curia must entirely use the aforementioned seal, and the 'Capitulum' must safeguard it when the Church is vacant, until the successor of the bishop of the Church takes possession of the aforementioned bishopric, to which the 'Capitulum' must deliver it, as has been preserved until now." This agreement was presented by Ferdinand VI, King of Spain, at the request of the parties, for the approval of the Supreme Pontiff, and indeed, Benedict XIV ratified and confirmed it by means of a brief dated December 16, 1757. It is clear that this same agreement superseded the agreement of Ninot in this matter of seals, and has held its place from that time, not only when the see is filled, but also when the see is vacant, as is demonstrated by the very letter of the convention and confirmed by the intervention of the archdeacon, to whom, by right, belonged the governance of the vacant diocese. Therefore, if the successors of the bishops swore in their act of possession to observe the agreement of Ninot, it must certainly be understood that this refers to other chapters or articles which were defined in that agreement, and not to the right of the 'Capitulum' concerning the seals and their revenues.

13. Therefore, how are the rights of the 'Capitulum' concerning the seals defined in the agreement of Palmero? With regard to the seals themselves, only a certain honor is reserved to the 'Capitulum,' namely, that, when the see is filled, the seal which was considered to belong to the 'Capitulum' is used in the episcopal curia, and that, when the see is vacant, the seal itself is kept by the 'Capitulum' and delivered to the new bishop; with regard to the revenues derived from the use of the seals, the 'Capitulum,' when the see is filled, expressly renounces any participation in the revenues; concerning these revenues, when the see is vacant, a profound silence prevails. What does this silence signify? The 'Capitulum' maintains that in this agreement, it had reserved and recognized the ancient right of receiving the revenues of the seal when the see is vacant, indeed, it says that this right was restricted to only the revenues when the see is vacant, whereas until that time

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it included also the revenues when the see is filled. But the 'Capitulum' cannot claim an express recognition and reservation of this right, for in the agreement, not a word is said about this right; at most, it can assert that the agreement of Ninot concerning the perception of revenues when the see is vacant was tacitly preserved. But even this tacit preservation is contradicted by subsequent practice, which, as we will soon see, was that from that time onward, the 'Capitulum' no longer received the revenues of the seal, neither when the see was filled nor when the see was vacant. Therefore, rather...

[*Latin ed. p. 229*]

The Holy Congregation of the Council. [It states that] either previously, or we should say now, the Chapter lost, for a reason unknown to us, the right or the ability to receive emoluments when the See is vacant, or rather, in the year 1757, when it agreed to the Concordat of Palermo, it retained what had been taken away from it in the Concordat four years earlier, namely, 1753, which was established between Benedict XIV and the King of Spain. And this seems to be the true reason why, in the Concordat of 1757, no mention is made of emoluments pertaining to the seal when the See is vacant.

14. In fact, in Article 9 of the aforementioned Concordat of 1753, the following is stated: "Other cases of controversy were not concerning the right of the Apostolic Chamber and the Nunciature of Spain over the spoils and fruits of the vacant episcopal churches in the Kingdoms of Spain, but concerning the use, exercise, and dependence of said right, in such a way that there was a need to come to some agreement and settlement regarding this matter. To remove these continuous controversies, the Holy See, derogating, annulling, and depriving of all effect all previous Apostolic Constitutions, all concordats and conventions that have been made up to now between the Royal Apostolic Chamber, Bishops, Chapters, and Dioceses, and everything else that is contrary, from the date of the ratification of this Concordat, applies all the spoils and fruits of the vacant churches, exact and inexact, to those pious uses that are prescribed by the Sacred Canons...; granting to the Majesty of the Catholic King and his Successors the power to elect, in the future, the Economists and Collectors, who, however, must be ecclesiastical persons, with all the necessary and appropriate powers, so that, under Royal protection, said effects are faithfully employed in the aforementioned uses" (according to Nussi, *Conventiones inter S. Sedem et civilem potestatem*).

And indeed, as the current Bishop states, "it is clearly evident from the archives of the Church of Gerona that the Subcollector of the spoils and emoluments of the vacant churches of this Diocese continuously received, from the year of the Concordat of 1753 until the year 1851 – when a new Concordat with Spain was concluded – the emoluments pertaining to the

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jurisdiction and the seal, and that no part of it was paid to the Chapter, as is confirmed by the document of the Secretary of the Chancellery of this Episcopal Curia."

Therefore, it cannot be defended that what the Chapter now claims is true, namely: "The Chapter maintained that the Concordat of 1753 had no force in this Church with regard to emoluments, because a particular right of the same was recognized in favor of the Chapter four years later, in the Concordat so often cited, approved by an Apostolic Brief of the same Benedict XIV." For such an interpretation by the Chapter is contrary to the letter and spirit, or to the Concordat and Concordance, and to the subsequent practice, as already explained.

[*Latin ed. p. 230*]

230 Acta Apostolicae Sedis. - Commentarium Officiale. 15. Cum vero Capitulum negare non possit suam exclusionem toto illo tempore a quacumque perceptione emolumentorum, hoc attribuit rapacitati subcollectorum, qui, protecti auctoritate regia, iura Capituli usurparunt. Concludit igitur quod ius percipiendi emolumenta sigilli, favore Capituli, iam antea legitime praescriptum, firmatum et recognitum, illo tempore fuisse tantum suspensum, nullo vero modo potuisse per praescriptionem subtolli, cum deficeret bona fides aut iuridica aut theologica ex parte collectorum, et ipsum Capitulum in tanta rerum iniquitate agere non valeret. At, quin dicamus de gratuita et iniuriosa assertione rapacitatis collectorum Gerundensium (nulla enim peculiaris et positiva probatio affertur), Capitulum debuisset saltem contra huiusmodi usurpationem protestari, dum e contrario ne vestigium quidem vel minimae protestationis ex parte Capituli toto illo tempore reperiatur; quod silentium, etiam admissis violentis interpretationibus Capituli, tacitam renunciationem sui iuris contineret, et praescriptioni contrariae daret locum. Optime proinde huc quadrant sequentes animadversiones Episcopi: « Ex « eo quod (concordia Palmero 1757) approbatione Regis et Pontificis « simul sit roborata, Capitulum intendit deducere exceptionem Concordati anni 1753, supponendo quod in ea iura sigilli sede vacante pro « Capitulo recognoscantur. Sed si Capitulum privilegium hoc impetrasset, quare illud inefficax reliquit? Tunc enim Capitulum regali « protectione frugebatur; quamobrem prorsus incredibile videtur quod « non tentasset pro viribus ut exceptio iuris obtenta, quae, dum sibi « quam maxime favebat, simul inter coetera Hispaniarum Capitula honorifice distinguebat, in applicationem practicam reduceretur... Praeterea « alterum adest argumentum, ex quo licet inferre quod Capitulum num« quam emolumenta sigilli sede vacante perceperit. Nam si eis aliquando « potitum fuisset, cum ageretur de re magni quidem momenti pro Capi« tulo reputanda, haud dubio aliqua adnotatio facti inter innumera docu« menta quibus abundat ditissimum archivum Capituli Gerundensis « reperiretur, praesertim cum his in

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documentis inveniantur quamplu« rimae relationes minutatim confectae non solum circa iura et facta ad « Capitulum spectantia, sed etiam circa casus et eventus privatorum « civium pro nihilo ac parvi pretii revera ducendos. Et nihilominus « Capitulum de facto perceptionis emolumentorum ratione sigilli sede « vacante obvenientium ullum documentum fidem faciens ante an. 1876 « haudquaquam exhibere potuit ». 16. Teneamus ergo ius illud, a Capitulo invocatum, percipiendi emolumenta sigilli, si aliquando anteactis temporibus extitit legitimum, post medium saeculum XVIII fuisse sublatum et antiquatum non solum...

[*Latin ed. p. 231*]

Holy Synod. 231, applicable both during the time of a filled episcopal see, and also during the time of a vacant see. And other indications of such antiquity are not lacking. Due to the vicissitudes to which the Church of Spain has been subjected, the status of individual churches has been changed in many ways. Specifically, in the Church of Gerona, the constitution of the Chapter, as it was previously, has been repeatedly overturned: today, there is only one archdeacon, whereas there were several previously, and the one who remains does not have the inherent right to perform the duties of a capitular vicar when the see is vacant, indeed, he is not even the highest in dignity, for the dean holds that position, as in other cathedrals of Spain. It is especially important to note that today, in the Curia of Gerona, the ancient special seals are not even kept, concerning the property, possession, and use of which there was formerly so much contention, and only subsequently and secondarily was the dispute extended to the benefits derived from the seals themselves; but there is a seal of the Bishop in that part of the Curia called the Secretariate of the Chamber, and the seal of the vicar-general is in another part of the Curia called the Officialate and Vicariate; but these two seals are in no way considered to belong to the Chapter; the Chapter, on the other hand, has its own seal, as do other Chapters, for the internal affairs of the Chapter itself. Therefore, it is also considered antiquated, or rather, an honor reserved to the Chapter in the Concordat of Palermo in 1757, namely, that when the episcopal see is filled, a seal that is considered to belong to the Chapter is used in the episcopal curia, but when the see is vacant, the same seal is kept by the Chapter and handed over to the new Bishop. Therefore, if today, even the seals that were the foundation for understanding the right to receive benefits derived from them no longer exist, how, even setting aside other arguments, can the right to receive those benefits persist? But when the see is vacant, today a seal of the Chapter is used in the Curia, but this only in the same way as in any diocesan curia, the capitular vicar, when the see is vacant, is obliged to use the seal of the Chapter: therefore, the Chapter of Gerona would be abusing and acting arbitrarily in claiming to have a special right and privilege that is not granted to other Chapters, as the same Chapter states, to receive benefits

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from documents issued in the Curia, in which, when the see is vacant, the seal of the Chapter is affixed. 17. Another sign, by which it is clearly shown that that former right to receive benefits has been completely abolished and is obsolete, is found in the explanations and declarations presented by the Chapter as early as the year 1877, and repeated today, in which the same Chapter intends to determine what benefits are to be received from the alleged right. For, in an attempt to revive the ancient right, the following rule was introduced in the new statutes of the Chapter, established in the year 1868 and approved by the Bishop (art. 60): "The proceeds from the seal, arising when the see is vacant, belong to the Chapter."

[*Latin ed. p. 232*]

The Acts of the Apostolic See - Official Commentary. "Exclusively pertain," it was questioned in what those revenues consisted, if indeed the Chapter retained no memory of what had been received in times past; and in the chapter session of September 17, 1877, it was defined, under the name of "rights of the seal to be received by the Chapter when the See is vacant," that whatever indiscriminately the Metropolitan, that is, the Bishop, receives when the See is full, should be understood; but for the Chapter Vicar, in addition to the compensation of 125 monthly florins for the penalty of labor, those rights should be reserved which arise from the exercise of judicial jurisdiction or other causes (commonly the judicial and procedural part).

The Bishop objected to this definition, alleging a contradiction and confusion, as if the rights which arise from the exercise of judicial jurisdiction or other causes were the same as whatever the Metropolitan can receive when the See is full, and that all matters from which taxes and emoluments can arise are contained in the exercise of jurisdiction and other causes (commonly the judicial and procedural part). However, if one attends to the new explanations of the Chapter and what truly happens in the Gerona Curia, at least the contradiction from the Chapter's definition can be dispelled. Indeed, in the Gerona Curia, there is a double section, one of which is called the "Secretariat of the Chamber," in which the Bishop presides with the diocesan secretary, where more documents pertaining to the administration and governance of the diocese are issued under the seal of the Bishop; the other is the "Officialate and Vicariate," where the general vicar presides immediately with two chancery secretaries, and in which judicial questions and other matters of various kinds (commonly the judicial and procedural part) are defined, and documents are issued under the seal of the Vicariate. Therefore, the revenues or emoluments which are received in the Secretariat of the Chamber, when the See is full, belong to the Metropolitan or Bishop, and are those which are reserved to the Chapter when the See is vacant; but the rights which are received in the Vicariate, when the See is full, by the general vicar, are assigned

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to the Chapter Vicar, in addition to the other 125 monthly florins, as is presumed to be paid from the emoluments of the Secretariat. However, if the Chapter can avoid the contradiction objected to by the Bishop, it cannot certainly avoid the opposition which exists between the revenues which it now wishes to claim for itself, and the emoluments which the Chapter has sometimes received in the past by right of the seal: for now it claims to have emoluments arising from extrajudicial matters which are dealt with when the See is vacant in the Secretariat of the Chamber, while in the past, if it received any emoluments, they were those which arose from judicial causes, as is evident from the information and decision of the Rota in Gerona.

Regarding the seals before the Rota, March 3, 1664. This case in Gerona followed two decisions of the Rota in the year 1663.

[*Latin ed. p. 233*]

The Holy Congregation of the Council, considering the arguments presented by both parties, as mentioned above; since, in order to execute these decisions, letters were issued in favor of the Chapter, containing an order to maintain possession of the seals of the Curia, Vicariate, and Officialate, and since these letters were personally delivered to the Most Reverend Bishop, he objected to the overreach of the mandate, arguing that the decisions in the case concerned only the seals of the Officialate, and that the order to maintain possession included the seals of the Vicariate; for it had been demonstrated that only the former, and not the latter, had at one time been possessed by the Chapter. Indeed, in the information presented in this case before Otalora on March 3, 1664, now preserved in the archives of the Sacred Roman Rota, the following is read: "In the Episcopal Curia of Gerundensi, there are the seals of the Vicariate, under which 'gracious letters' are issued, and the seals of the Officialate, used 'for contentious matters,' which latter are claimed to have been granted to the Chapter up to the year 1344 by the Bishop of that time. The seals of the Vicariate are not included in the alleged grant of the year 1344, as can be seen 'in the summary of the arguments presented at the time of the initial decision.' For these reasons, the decision before Otalora was favorable to the Bishop (now contained among the Recentiores, and is Decision CXLVI, part XIV). However, the Chapter seems to be unaware of this; therefore, it claims benefits derived from certain gracious matters, in which it never previously had a share; while it leaves to the Capitular Vicar the benefits of judicial cases over which it had at one time possessed jurisdiction: a clear argument against any claim of ancient possession and the cessation of the right to receive benefits from the seals!

18. Finally, in order to vindicate its alleged right regarding the benefits of the seals, the Chapter also invokes article 60 of its statutes, where this right is expressed, and the practice that has been followed in the diocese of

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Gerundensi in recent times. But what value this has, the Chapter itself is forced to openly admit when it writes: "The Chapter has never considered, as the Bishop argues, that article 60 of the current statutes, nor the practice observed by the Capitular Vicars after their promulgation, has been 'the origin and source of its right, but it has always believed that the actual statutes and their observance by the Capitular Vicars have no legal extension except to demonstrate the right contained therein.' 'The right of the Chapter,' it asserts elsewhere, 'does not derive from what is contained in the statutes, but is contained in the statutes precisely because the Chapter has possessed this right for centuries before the statutes in question were enacted.'

Since, from the foregoing, it is clear that this alleged right, if it ever belonged to the Chapter, has ceased for a long time, it could not have been legally established in the statutes, because it could not have been restored without a new legal title, by its own authority.

[*Latin ed. p. 234*]

Acta Apostolicae Sedis. - Official Commentary. 234 19. With regard to more recent practice, it should be known that in the year 1851, a new Concordat was initiated between Pope Pius IX and the Queen of Hispaniae, in which the General Collection of vacant benefices was suppressed (art. 12); and it was stipulated that a portion of the revenues to be paid by the Government, and the amount due to each episcopal see during a vacancy, should be equally divided between the diocesan seminary and the future prelate (art. 37); however, nothing is defined in the Concordat concerning uncertain revenues arising from jurisdiction and seals during a vacancy. Indeed, in the diocese of Gerundensi, the episcopal see has been vacant four times from the year 1851 to the present day, namely in the years 1862, 1876, 1877, and 1906. In the first vacancy in 1862, it is unknown who received the revenues from the seal; in the two subsequent years, 1876 and 1877, the Chapter received those revenues, a Chapter governed by its own statutes approved by the Bishop in 1868; in the fourth vacancy, in 1906, the action of the Capitular Vicar, who retained those revenues for himself, gave rise to the present controversy. Therefore, in more recent times, the Chapter has exercised the right to receive the revenues from the seal only twice, in the two years immediately following: but can it be said that these two actions, repeated at such a short interval, and neither preceded nor followed by similar acts, have the force of establishing a firm and incontrovertible right for the Chapter?

20. However, two arguments could be put forward in favor of the Chapter: 1) that the ancient right of the Chapter ceased with the Concordat of 1753, which attributed those revenues to the General Collection of vacant benefices; hence, since that Collection was suppressed in the Concordat of 1851, those revenues should revert to the former holders; 2) that since

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the destination of these revenues is not defined in the same Concordat of 1851, it was determined in each diocese of Hispaniae by custom: however, the general custom in Hispaniae after the Concordat of 1851 was that these revenues were received by the Capitular Vicar; but in the diocese of Gerundensi, they were received by the Chapter, as was also the case in the dioceses of Tarraconensi, Coelsonensi, and Barbastrensi (as reported by the Chapter of Gerundensi). - However, it can be replied to 1) that even if, in 1753, the right of the Chapter of Gerundensi truly pertained to the receipt of revenues from the seal, and that this right was indeed suppressed by the Concordat (although neither of these is certain and demonstrated), after that right had been extinguished by the same Concordat, it could not revive again, even if that Concordat ceased, unless by a new legal title, which is not present in this case. Rather, in the case of the cessation of the Concordat, namely by the special law for Hispaniae, unless legitimate custom or prescription, or another canonical title, had conferred a special right, it would revert to the common law.

[*Latin ed. p. 235*]

Most Holy Congregation of the Council. 235, number 1, regarding the whole Church. – To the second question, it is simply answered that the custom of the Church of Gerona, in favor of the Chapter, was not legitimately prescribed, as we were about to say; concerning the Chapters of the Churches of Tarragona, Coelson, and Barbastre, it does not appear to us by what title they exercise that right; therefore, if the destination of such revenues is to be determined by custom, it would be more appropriate to extend the general custom prevailing in Spain since the year 1851 to the diocese of Gerona as well. •21. If to all of these things and to what has been stated is added the discipline currently in force, which strongly resists any interference of Chapters in the administration or rights of a diocese when it is vacant, and which declares that no Chapter can reserve any power or right to itself, but must fully transmit it to the vicarious capitular, it will become sufficiently clear that the Chapter of Gerona must be repelled from the presumption of enjoying revenues when the see is vacant. II. 22. The Bishop, after having adduced several arguments to exclude the Chapter from participating in the revenues arising when the see is vacant, also adduces several arguments to exclude the Vicarious Capitular, and to demonstrate that those revenues, in his own case, are to be reserved for the succeeding Bishop. Therefore, the Bishop brings forward in his favor the text of the Decretals, the resolutions of the Holy See, and the doctrine of many Authors. 23. Indeed, the rule was ancient, and was confirmed several times in the Decretals, that the fruits of vacant benefices should be withheld for the benefit of those benefices, or faithfully reserved for future successors (c. 2, dist. 75; cc. 47 and 48, caus. XII, qu. 2, c. Cum vos, 4 de Off. jud. Ord. I, 31; c. Praesenti, 9 eod. in 6°, I, 16; c. Quia saepe, 45 de elect. in

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6°, I, 6); in particular, Boniface VIII, in the aforementioned c. Quia saepe, decreed that when the see is vacant, Chapters, congregations, colleges, or individual persons thereof, should not be able to occupy, divide among themselves, etc., goods relinquished by prelates or those arising during the time of the vacancy. But, since it was doubted (as appears from the gloss on the aforementioned canon and on the c. Statutum, which will be cited shortly), whether this Bonifacian provision included even eventual revenues arising from jurisdiction, the seal, and other causes, Clement V, in c. Statutum 7, de elect in Giern. I, 3, declared that this provision also applied to every revenue that arises from jurisdiction and the seal, or from any other source. And according to these rules of common law, the Most Holy Congregation has repeatedly responded that, during the vacancy of the episcopal see, revenues arising do not pertain to the Chapter nor to the Vicarious Capitular, but are freely reserved for the future successor, if they would have pertained to the Bishop when the see is not vacant; for example, in Agrigentin and in Cephaluden, on November 17, 1594, in a certain case.

[*Latin ed. p. 236*]

236. Acta Apostolicae Sedis. - Official Commentary. Nullius, July 11, 1616, in Ostia. July 28, 1708, in Goa. March 6, 1646, etc. Therefore, it is not surprising that the Doctors transmit the same doctrine by common calculation.

24. However, these same Doctors rightly point out that the aforementioned provisions of the Decretals and the resolutions of the Holy See must be understood concerning those emoluments which genuinely and directly arise from jurisdiction and the seal; otherwise, concerning those which arise from the person exercising jurisdiction. Therefore, it is necessary that those emoluments which are due to the episcopal vicar general, by reason of his office, should, in the absence of a bishop, devolve to the benefit of the capitular vicar, and that only those emoluments which are received by the bishop himself, by reason of jurisdiction, the seal, or another title, should be reserved to the succeeding bishop when the see is filled. Ventriglia, Praxis, vol. 2, note XV, § 1, no. 23; Leuren., de Vicar., tract. 5, cap. 1, qu. 465. This interpretation correctly agrees with the letter of the Glem. Statute and the decrees of the Holy See, as cited above. Clement declares that all emoluments pertaining to prelates, when the churches are not vacant, must be reserved for future successors; and the Holy See, in the cited Agrigentin, November 17, 1594, likewise considers that the emoluments in question are freely reserved for the future successor if they pertain to the bishop when the church is not vacant; and in Goa, March 6, 1847, it likewise defined: "Emoluments which, when the see is filled, pertain to the vicar general, belong to the capitular vicar when the see is vacant; those, however, which pertain to the archbishop, belong to the succeeding archbishop, etc."

25. These points are indeed to be noted in our case, for the Bishop of

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Gerona, without making any distinction, extends the doubt not only to the emoluments of the seal, concerning which there was a question between the Chapter and the Capitular Vicar (and which, as we have seen, are properly only those emoluments which are received when the see is filled in the Secretariat of the Chamber, namely, from the Mitra, that is, the Bishop), but in general, to emoluments obtained in the absence of a bishop by reason of jurisdiction and the seal. He seems to wish to include even those emoluments which are received when the see is filled in the Officialate and Vicariate by the vicar general and other officials of the Vicariate for contentious matters and other causes of various kinds (which, as we have also said, the Chapter declared, in the absence of a bishop, to pertain to the Capitular Vicar, except for the salary of 125 monthly *libellae*).

26. Furthermore, those laws of the Decretals and the resolutions of the Holy See, as is evident, cannot be applied in those places in which a special regulation has been established by the Holy See; therefore, the Doctors also point out that these eventual emoluments, arising in the absence of a bishop, in dioceses where the laws of the Apostolic Chamber are in force, are not to be reserved to the bishops.

[*Latin ed. p. 237*]

Sacred Congregation of the Council. 237 to successors, but to be received by the ministers of the aforementioned Chamber (Ventriglia, cited above). 27. Now, concerning the dioceses of Hispaniae, as we have already seen, from the 16th century until the middle of the 18th century, the rights of the Apostolic Chamber were in force in the kingdoms of Hispaniae with regard to vacant episcopal sees. In the Concordat of the year 1753, it was granted by the Holy See that all spoils, fruits, and revenues of vacant episcopal churches should be demanded by royal officials and expended for pious purposes according to the sacred canons. The Concordat of 1851, which is currently in force, contains two provisions on this point: a) "The general Collection is declared suppressed, which was levied on spoils, vacancies, and annuities" (art. 12). b) "The portion of the revenues due to each episcopal Mensa for the time of the vacancy, after deducting those emoluments which correspond to the official through the very act of appointing a capitular vicar, and also the expenses necessary for the urgent restoration of the episcopal palace, shall be equally divided between the conciliar Seminary and the future prelate" (art. 37) (according to Nussi, Conventions, etc.). As it is clear, the provision of this art. 37 refers only to the pensions or assignments which are paid by the Government; concerning, however, any eventual emoluments, arising from the jurisdiction, seal, or other title in the ecclesiastical courts, during the vacancy of the see, nothing is decided in the Concordat. Therefore, the Bishop of Gerundensis now deduces in Hispaniae, according to common law, that with regard to these emoluments, they are to be reserved to the successors of the bishops.

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- And the deduction of the Bishop is certainly logical; nevertheless, it must be admitted that a general practice in all of Hispaniae is contrary to this deduction; in all the dioceses of Hispaniae, as the Chapter of Gerundensis reports, and certainly from other information and accounts, it is uniformly observed after the Concordat of 1851, that only half of the Government's assignment is reserved to the successors of the bishops, and no emoluments whatsoever arising from the jurisdiction, seal, or any other source during the vacancy of the see, which are commonly received in their entirety by the capitular vicars. This general custom of all of Hispaniae, although it differs somewhat from the common law of the Decretals, can rightly be considered as a practical interpretation of the aforementioned art. 37 of the Concordat of 1851, and therefore, together with the explicit provision contained in art. 38 itself, should be maintained and recognized as a particular discipline of the Church of Hispaniae, to be observed in the distribution of the fruits and revenues of the vacant episcopal see. 28. In the diocese of Gerundensis, after the year 1851, the general practice of Hispaniae was also observed regarding the exclusion of the successor bishop from participation in eventual emoluments, but not...

[*Latin ed. p. 238*]

238 Acta Apostolicae Sedis. - Official Commentary. This practice remained in force concerning the allocation of all such revenues to the Capitular Vicar, because, as we have seen above, a portion of these revenues had been received by the Chapter during two vacancies, and the Chapter of Gerona asserts that this is also observed in the dioceses of Tarragona, Coelson, and Barbastre. But if the practice of these dioceses is true, it must be considered as an exception to the common practice prevailing in Hispania, according to which, generally, in the dioceses of Hispania, the capitular vicars receive not only the revenues that belong to the general vicar during the time of the full See, but also those that would pertain to the bishop. Therefore, whatever may be the case regarding the title under which this is done in the other three dioceses mentioned, with regard to the diocese of Gerona, since it is known to us that this was done under a false title and a legal error, it is more appropriate that the common practice of Hispania, favorable to the Capitular Vicar, be also applied and extended to the diocese of Gerona. 29. Next, the words of the Clementine Decrees must be considered: "However, it is understood that reasonable expenses are to be deducted therefrom." From these words, all Doctors acknowledge that the capitular vicar, if he does not have a salary from elsewhere, can, by virtue of the Clementine Decrees, receive a suitable share from that very revenue that comes from jurisdiction and other causes, and that this should be reserved for the future successor. This right of the capitular vicar is also openly recognized in the resolutions of the Holy See: thus, in the cited resolution of Agrigento, November 17, 1594, after declaring that

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the revenues in question are freely to be reserved for the future successor, it adds, "from which, however, a reasonable salary must be deducted for the vicar and paid." And De Angelis notes (lib. I, tit. 28, n. 22): "The same was the opinion of the Holy See in Ventimiglia, October 14, 1602, as cited by Barbosa in 'Summa' v. Vicarius Capitularis, n. 73, and in Goa, March 6, 1847, and finally, in Mexico-Emolumentorum, February 14, 1857." 30. But in what quantity is the share of revenues to be calculated that the capitular vicar is to receive? As we have seen above, Doctors commonly hold that those revenues that, by reason of his office, were due to the general vicar of the bishop, should, during a vacancy, benefit the capitular vicar. Therefore, it would seem that the salary of the capitular vicar should result from these revenues. And the cited resolution in Goa sounds externally like this: "The revenues that would have belonged to the general vicar during the full See, belong to the capitular vicar during the vacancy; those, however, that belonged to the archbishop, are to be reserved for the successor to the archbishop..." But it must be noted that in this case, the revenues in Goa cannot be considered as the salary of the capitular vicar, because, as it is known from the preceding resolution, a reasonable salary was paid to the capitular vicar from the royal treasury (cf. Lingen and Reuss, Causae Selectae, n. 416). Also in

[*Latin ed. p. 239*]

The Holy Congregation of Councils, in document 239 Agrigentin, cited above, decrees that a reasonable salary should be established for the vicarius capitularis from those things which would pertain to the bishop, when the diocese is not vacant; therefore, it does not seem sufficient if such a salary is established only from those things which were due to the vicarius generalis. It should also be noted, for the sake of our case, that the Chapter of Gerona, although claiming to have the right to receive the emoluments of the seal, which would have pertained to the Metropolitan or Bishop when the see was filled, nevertheless assigned to the Vicarius Capitularis 125 livres for each month's salary, in addition to the emoluments derived from jurisdiction, or those pertaining to the vicarius generalis when the see is filled.

31. We also consider specifically the resolution in the aforementioned document from Mexico. Several vicarii capitulares established within the territory of Mexico had often petitioned the Holy Congregation, requesting that a suitable salary be granted to them for the work they had undertaken. The same was requested by Canon Angelus Patinga, who had served for many years as vicarius capitularis in the archdiocese of Angelopolis, together with a plea that a stable norm be established on this matter for all dioceses in Mexico.

The Holy Congregation requested information about this matter from the Archbishop of Mexico, and the following was learned: In the dioceses

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of Mexico, even when the see is vacant, there are also a Provisor, or vicarius generalis, and a Judge for ecclesiastical causes; the vicarius capitularis reserves for himself the administration of economic and administrative affairs, while the Provisor is responsible for judicial matters, and the Judge for ecclesiastical causes handles those matters pertaining to the same ecclesiastical causes.

Regarding the eventual emoluments which arise when the see is vacant, those which arise from judicial matters are acquired by the vicarius generalis or Provisor, in the same way as when the see is filled; those which arise from ecclesiastical causes are received by the Judge for ecclesiastical causes; finally, the emoluments which arise from economic and administrative affairs in the Church of Angelopolis are received by the Secretary of the Diocese, while in Mexico, they are received by the vicarius capitularis.

Therefore, Canon Patinga requested that a suitable honorarium be paid to him for the service rendered as vicarius capitularis of Angelopolis from the revenues accruing to the vacant archiepiscopal table. And the Sacred Congregation responded: "Considering the particular circumstances, we grant [permission] for one-fourth of the revenues accruing from any title to the vacant table."

The question was raised in the second of the aforementioned documents from Mexico, regarding how to provide in the future not only in the See of Angelopolis, but also throughout the entire territory of Mexico; and the Holy Congregation responded: "Let the opinion of all the Bishops of the Province of Mexico be sought, who, after hearing the respective Chapters, will express their opinion regarding the honorarium to be assigned to the vicarii capitulares."

However, this mandate of the Holy Congregation was not fully carried out, certainly due to the vicissitudes by which the Republic of Mexico was agitated.

[*Latin ed. p. 240*]

240 Acta Apostolicae Sedis. - Official Commentary. 32. Therefore, from what has been said, it is clear that no single rule can be established for all places in determining the amount of salary to be paid to the capitular vicar. Therefore, De Angelis (in the aforementioned passage) concludes: "But everything is determined according to the customs of the various dioceses, except in those regions in which the capitular vicars also receive a suitable salary from the civil treasury." Indeed, in Hispania, the capitular vicars, by reason of their office, receive no salary from the Government or from others; but, as I was saying, they receive all emoluments derived from jurisdiction, seals, or other causes, that is to say, not only those which are received from the vicar general, but also those which are acquired from the bishop, when the see is filled. Therefore, this common practice can again be considered as a practical determination of the salary to be paid to the

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capitular vicars. 33. However, the Bishop may object that this practice in Hispania, whereby no part of the emoluments is reserved for the future bishop, is a custom contrary to the law, because it is not contained in the Concordat nor in any other special papal provision for Hispania, and it is contrary to the prescriptions of the Clementine Statutes, and the decisions of the Holy Sacred Council. Furthermore, no custom, not even one of long standing, can override the law established in the aforementioned rights, from which no exception is granted except by apostolic privileges; this is most clearly demonstrated by two resolutions of the Holy Sacred Council; for in Session. (not Elven.) 28 March 1648, in response to question 4, it stated: "The Capitular Vicar cannot receive anything, even for the seal, notwithstanding the immemorial observance"; and it also stated in the proposal presented among the supplications in the Congregation on 6 March 1847, in these words: "The emoluments which would have belonged to the vicar general when the see is filled, belong to the capitular vicar when the see is vacant; those, however, which would have belonged to the archbishop, must be reserved to the successor of the archbishop, unless a special apostolic privilege is granted, notwithstanding any contrary custom, even one of long standing." Moreover, in the aforementioned Clementine decree, it is stated that those emoluments must be reserved for future prelates, notwithstanding any contrary custom: this derogatory clause not only nullifies customs contrary to the law existing at the time the law was enacted, but also prohibits the introduction of new customs contrary to the law, as Barbosa teaches (in the treatise on Clauses, 84), among others. 34. On the contrary, it does not seem correct to say that the immemorial custom cannot override the Clementine Statutes; indeed, the greatest force has always been recognized to the immemorial custom; hence, Cardinal De Luca (Annotations to the Council of Trent, discourse 31, no. 7) expressly says: "In some Churches, the custom has prevailed that, when the see is vacant, the Chapter reserves to itself and to the Capitulars..."

[*Latin ed. p. 241*]

Sacred Congregation of the Council. 241 "The fruit and revenue of the ecclesiastical court, or the bishop's table, lacks a certain measure, which is contrary to the rule, and can be limited either by an explicit Apostolic indult, or by one that is implicit, which can be alleged according to the force of venerable and well-approved customs." Moreover, the decisions of the Holy Sacred Council, which have been brought forward, do not stand in the way, for as far as Einen is concerned, it does not pertain to this matter; for in that cause, the question was whether it was permissible for the capitular vicar and his officials, notaries, etc., to demand taxes or any emoluments for documents prepared in certain matters referred to therein, e.g., in the collation of benefices, in dispensations granted to them, for judgments in criminal, beneficial, and matrimonial causes, for executory de-

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crees of testaments, of pious legatees, etc., and similarly in the 4th proposition: "Whether the capitular vicar or his notary is permitted to receive anything for dismissal letters or testimonials, even by reason of the seal or another cause," and the answer was "The capitular vicar cannot receive anything, even for the seal, notwithstanding the venerable observance (therefore, neither for himself nor as a reservation for the future Bishop); but the notary or chancellor, if he has no salary or stipend for exercising his office, may receive one-tenth of a gold coin for dismissal letters, provided that nothing directly or indirectly accrues to the Vicar" (cf. lib. XVIII, Decret., fol. 264 seq.). Regarding Goa, I will only point out that the capitular vicar was paid a reasonable salary from the royal treasury; therefore, it seems unreasonable that, in addition to this reasonable salary, and the uncertain emoluments that would belong to the general vicar when the see is full, and those that were granted to the capitular vicar when the see was vacant, he should also claim emoluments that would have belonged to the archbishop when the see was full. - Finally, that, notwithstanding these two resolutions cited above, the Holy Sacred Council does not consider the venerable customs in this matter to be reprehensible, is evident from the manner in which the same Sacred Congregation acted in the case of Januense. Emoluments: In this case, the Januense Chapter was claiming against the Archbishop a right derived from a venerable custom to receive all emoluments that flowed from the jurisdiction and seal of the Curia, or from other sources, during the vacancy of the see. Therefore, the question was whether these emoluments could be retained by the Chapter, or whether they should rather be reserved for the successor of the Archbishop. The Sacred Congregation responded on February 26, 1856: "Let the proofs be extended and assisted regarding the existence of a venerable custom." - It should be noted that in the documents of this case, the decisions mentioned above in Einen and in Goa were found. - The Januense Chapter again gathered many things to prove its venerable custom, but when the Archbishop

[*Latin ed. p. 242*]

242 Acta Apostolicae Sedis. - Commentarium Officiale. The purpose being silent, the cause being presented anew on March 28, 1857, His Holiness again wrote: "After having extended and communicated to the Archbishop the submissions presented by the Chapter, the fiscal procurator shall present the rights of the table." - However, this cause, it seems, was never presented again, and remained indefinite, but it is certain that the Sacred Congregation had knowledge of an ancient custom.

35. Indeed, is it not the case that not only ancient custom and prescription, but even a custom of forty years standing, can be upheld against this Clementine decree? It is commonly held by all Doctors that, provided that a custom possesses the other legitimate qualities of a custom, it can abol-

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ish any ecclesiastical law, unless something else prevents it. Similarly, the Doctors also admit that ecclesiastical rights, even those pertaining to bishops, can be prescribed by legitimate custom, and texts are found in c. De quarta 4, Ad aures 6, Illud autem 8 and Quia indicante.. 9, De praescribi. II, 26. From this, it follows that a subsequent custom contrary to these laws of the Decretals is valid, as the Glossa itself holds (see the custom in the Clementine Statute, ad eamd.), as do Reinffenstuel, Pirhing, and many other authors who will soon be cited, to which may also be added Gaudentius from Genoa (de visit. Praelat, ord. infer., dub. 13, sect. 2; de Vicar. Cap. n. 20, § 2 in fine) and Gagliardi (Inst. Iur. Can., lib. I, tit. 27, n. 10).

36. Nor does the clause found in the aforementioned Glossa present any difficulty, namely, "notwithstanding any custom to the contrary." For the more common interpretation among the Doctors holds that this clause only encompasses customs that existed prior to the law, and not future customs. Let us hear Reinffenstuel (lib. I, Decret., tit. IV, n. 53): "When a law uses the clause 'notwithstanding any custom to the contrary,' it seems to express only that it abolishes the customs that existed at the time the law was enacted, and does not extend to future customs, and therefore nothing prevents the introduction of such a custom anew." Thus, the Glossa, in Clementine Statute V, regarding the custom of election; Suarez, lib. 7 de Legib. cap. 8, Layman cit. n. 7; Azorius, ubi supra quaest. 10; Engel, h. t. n. 23, citing the more common opinion of the Doctors, Jason I. de quibus n. 55 ff. de Legib., also citing Bartolus, Baldus, Angelus, and others; although there are those who hold the opposite, such as Barbosa claus. 87, n. 13; Sánchez, lib. 7 de matrim.*, disp. 4, n. 13; Gastro Palao, I. 1, tr. 3, Disp. 3, punct. 4, § 2, n. 8. The reason for this conclusion is that those words "notwithstanding any custom" can conveniently be understood to refer to the customs that exist at the time the law is enacted; therefore, they should be understood only in that sense, both because corrective principles of law, being odious, should not be extended, and because if the legislator had wished to include even future customs, he would have expressed it more clearly.

[*Latin ed. p. 243*]

"And the Congregation of the Council. 'It could have expressed the future, but it did not. Furthermore, the words of such a law have 'only the force of written law'; and this, through a new, contrary custom, can be derogated from in the future, unless otherwise expressed; therefore, 'and those also.' More expressively, Pirhing (Jus Canon., book 1, title IV, no. LXV): 'A derogatory or preservative law concerning custom, through a general clause: 'notwithstanding any contrary custom, can nevertheless be abrogated by a subsequent custom, or by way of revocation, with the knowledge and patience, and therefore the tacit consent, of the legislator,

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or by way of legitimate prescription, which even against the Prince can be valid according to the aforementioned; Govarr., book 3, variations, chapter 13, no. 4; Suar., cited I. 7, chapter 19, no. 18; Laym., I. 1, treatise 4, chapter 24, no. 7. An example is found in Clement. Statute 7 De elect., where this is noted by the glossa. The reason is because such a law, by virtue of that clause, only derogates from a pre-existing or present custom, but not from a future and non-existent one, unless otherwise expressed; therefore, not withstanding that clause, a subsequent custom can prevail against such a law and abrogate it.' Finally, let us hear a more recent author, namely Santi (Decret., book 1, title IV, no. 10): 'It must be noted that the Council of Trent and the sacred canons have not infrequently condemned customs under this formula: 'notwithstanding any contrary custom.' Furthermore, this formula affects and invalidates only pre-existing and actual customs, but not future ones, if any are introduced. By this formula, the legislator only manifests his will to observe his law and intends to effectively remove obstacles so that it may be put into practice. He only intends to impose the law on the future. Indeed, a custom can be introduced contrary to the law.' 37. This custom, considered in itself and contrary to the Clementine decree, and unless other circumstances concur, seems to be reasonable, especially if it is introduced in favor of the capitular vicar. For the emoluments of this jurisdiction are due, and therefore seem to belong to the one who exercises the jurisdiction; therefore, when the see is vacant, they belong to the capitular vicar, not to the future bishop who is not yet in office and does not exercise jurisdiction. Furthermore, these emoluments are purely personal and derived from labor, and therefore should be ceded to the capitular vicar, who, when the see is vacant, handles the affairs and executes the documents. It is not incongruous that today the exception contained in the very Clementine Statute should be applied to capitular vicars in those places where a custom exists: 'Furthermore, for individual persons, to whom, by reason of the dignities they hold, jurisdiction with its emolument devolves when the see is vacant...' "

[*Latin ed. p. 244*]

244 Acta Apostolicae Sedis. - Official Commentary. "By custom, by privilege, or by some other special law, We do not wish this constitution to be extended." 38. Now, if we consider the practice and custom of Hispaniae, we find that it has begun to be observed at least since the time of the last Concordat, that is, at least since the year 1851, and therefore for more than forty years. Furthermore, this custom is a general and constant practice throughout all of Hispaniae; therefore, without a doubt, greater weight must be given to it than if it were a custom particular to some individual Church: which is something to be carefully noted, for the customs which are condemned in Clement [V] and in the decrees of the Holy Congregation seem rather to be the particular practices of certain individual Churches. Nor is a

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serious prejudice brought against the succeeding Bishops if no emolument is reserved to them, for they already have half of the assignment from the Government that comes to them when the See is vacant, and furthermore, they owe nothing for the acquisition of the bishopric in terms of annates or other expenses, all of which are borne by the Government according to article 31 of the current Concordat, where it is stated: "Such revenues (assigned to each Bishop as a dowry) shall not suffer any deduction whatsoever, neither on account of the expenses of Bulls, which the Government will assume, nor on account of any other expenses that may occur in Hispaniae for them." Finally, it should not be overlooked that although this practice of the Church of Hispaniae does not conform to the Clementine Statute, it may perhaps be more properly considered a custom according to law than a custom contrary to law, for it immediately arises, as We have already said, from the practical application and interpretation of article 37 of the Hispana Concordat, in which article, indeed, the discipline established for Hispaniae differs somewhat from the general discipline of the Church. Therefore, considering all these things, it will be for the Most Holy Congregation, to whose most wise judgment I reverently submit all things, to respond to the doubt of the Bishop of Gerundensis, that is, to determine whether, in the vacant See of the Most Reverend Thomas, Bishop of Sivilla, the emoluments obtained by virtue of jurisdiction and the seal pertain to the Bishop, to the Cathedral Chapter, or to the Vicarious Chapteral.

[*Latin ed. p. 245*]

The Holy Congregation for Religious Orders. 245. THE HOLY CONGREGATION FOR RELIGIOUS ORDERS. I. ROME. OF THE REGULAR CLERGY OF THE MOTHER OF GOD. CONCERNING DOCTORAL DEGREES AND PRIVILEGES. The following questions were presented to the Holy Congregation for Religious Orders by the Most Reverend General Procurator of the Regular Clergy of the Mother of God: 1. Whether it is advisable to remove the prohibition concerning the granting of the Doctorate, as mentioned in Chapter XIII, Article 6, Part I, of the Constitutions of the Regular Clergy of the Mother of God? And, if affirmative: 2. Whether said prohibition should be considered null and void from that time forward, having been removed? And, if affirmative: 3. Whether the title and privileges of the Doctorate should pertain equally to those who obtained the degree before, as well as to those who obtained it after entering the Congregation; or at least, in either case, whether one should adhere to the intention of the Constitutions? Furthermore, the Most Eminent Cardinals, in a plenary session held in the Vatican buildings on November 24, 1911, responded as follows: To 1. Affirmative. To 2. Affirmative. To 3. Affirmative regarding the first part; Negative regarding the second part; and in accordance with the following intention: That, with regard to those who enter the Congregation already holding a doctoral

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degree, it is within the power of the same Congregation to subject them to a new examination. These resolutions were approved and confirmed by the Most Holy Pope Pius X, in an audience granted on December 6 of the same year, to the undersigned Secretary of the Holy Congregation. Notwithstanding any objections to the contrary. Given at Rome, from the Secretariat of the same Holy Congregation, on January 19, 1912. Fr. I. C. CARD. VIVES, Prefect. L.&S. f Donatus, Archbishop. Ephesinus, Secretary.

[*Latin ed. p. 246*]

246 Acta Apostolicae Sedis. - Official Commentary. OF ROME AND OTHERS. DECLARATIONS REGARDING THE DECREE "INTER RELIQUAS" CONCERNING MILITARY SERVICE FOR RELIGIOUS MEMBERS. Following the publication of the Decree "Inter reliquas" on the first of January of the preceding year, concerning military service to be performed by religious men, certain doubts arose, which were brought to the attention of the Sacred Congregation for Religious, namely: I. Whether perpetual vows, made before the promulgation of the Decree "Inter reliquas," cease by their very nature when active military service is undertaken? II. Whether temporary vows also cease by their very nature when the same military service is undertaken? III. Whether a solemn profession in Orders, and a perpetual profession in Institutes of simple vows, is valid, made in good faith by one who falsely believed himself to be exempt from military service? IV. Whether a solemn profession in Orders, and a perpetual profession in Institutes of simple vows, is valid, made before a year has been completed from the day of the completion of active military service? V. Whether a full year must elapse before one who has been engaged in active military service for only three months is admitted to a solemn or perpetual profession? VI. Whether religious men who, while subject to active military service, nevertheless possess and demonstrate the intention of dedicating themselves to external *missions* and of remaining in them until the time established by civil law for obtaining permanent exemption from military service, as, for example, in Italia, which is the thirty-second year of age, can be admitted to a solemn or perpetual profession? The Most Reverend and Venerable Cardinals of the Sacred Congregation for Religious, in a Plenary Session held at Vatican on November 24, 1911, having carefully considered all matters, judged that the following answers should be given: To I. Negatively. To II. Negatively, in themselves, that is, the vows do not cease by their very nature at the beginning of military service; however, religious men may request a dispensation from their vows from the first day of military service, according to Article VIII of the Decree "Inter reliquas," if they do not intend to persevere; if they intend to persevere, in no case may they

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make a new

[*Latin ed. p. 247*]

The Holy Congregation of Rites: It is possible to admit to the profession of vows, even if the military service has not been completed, and even if the time for the profession expires during the military service. To III: No. To IV: No. To V: No, but it is necessary and sufficient in the case of a trimester, or a period of time, less than a year, corresponding to the time served in military service. To V I: No, by itself. However, the Holy Congregation grants that, during the last year of the studies, young men who intend to go on missions within a year may be admitted to solemn, or perpetual, vows, and to the Holy Orders, after having first taken, on the part of the candidate, an oath to serve the missions until the time prescribed by civil law for obtaining an exemption, and with the knowledge of the Superiors regarding the execution of said oath. All of these answers, having been presented to the Most Holy Pope Pius X, in an audience on December 6, 1911, by the undersigned Secretary of the Holy Congregation, His Holiness deigned to approve and confirm them. Contrary opinions notwithstanding. Given in Rome, from the Secretariat of the Holy Congregation of Religious, on February 1, 1912. Fr. I. C. CARD. VIVES, Prefect. L. © S. f Donatus, Archbishop. Ephesinus, Secretary.

HOLY CONGREGATION OF RITES, STRIGON.

DOUBTS.

The editor of the current calendar of the Archdiocese of Strigon, with the consent of his Most Reverend Archbishop, humbly submits the following doubts to the Holy Congregation of Rites for a suitable solution:

I. The rubric, Title X, n. 3, according to the recently promulgated Constitution, Divine, orders that the proper color of Sunday be retained, even if Sunday occurs within a certain *Octava*. Since, however, the General Rubric of the Missal, Title XVIII, n. 4, prescribes the use of the color green from the *Octava* of Pentecost until Advent; the question is asked: whether, after the second Sunday after...

[*Latin ed. p. 248*]

248 Acts of the Apostolic See. - Official Commentary. Pentecost, that is, within the Octave of the Most Holy Body of Christ, should the color green, or white, be used? II. Since the year following, in 1913, the Sunday of Septuagesima immediately follows after the Octave of the Epiphany, the question is asked whether the Feast of the Holy Name of Jesus should be transferred, according to recent regulations, to the immediately following day; or rather, according to the norm of the old privilege granted to this Feast, to the twenty-eighth of January? III. The Feast of the Holy Family of

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Jesus, Mary, and Joseph, which in many places is celebrated under a greater double rite, is not to be considered among the Feasts of the Lord, so that the Office of the lesser Sunday following the recurring Epiphany should prevail? IV. And concerning the affirmative answer to the preceding question, what is to be done with the Feast of the Holy Family, when it occurs on the third Sunday, according to the civil reckoning, after the Epiphany, and falls on either the Sunday of Septuagesima or Sexagesima? And the Sacred Congregation, upon the report of the undersigned Secretary, having heard the opinion of the Liturgical Commission, and after careful examination, decided to respond as follows: To I. Negatively to the first part; affirmatively to the second part; and on Sundays occurring within the Octave, the color of the Octave should be used when the Office does not concern the Psalter, but concerns the Octave. To II. Affirmatively to the first part; negatively to the second part. To III. Affirmatively. To IV. The Feast of the Holy Family is to be reduced to the rank of a simple feast, when it occurs on a privileged Sunday. And thus it was written, on March 9, 1912. Fr. S. CARD. MARTINELLI, S. R. C. Prefect. L. « S. •j- Petrus La Fontaine, Bishop of Charystien, Secretary.

[*Latin ed. p. 249*]

5. The Roman Rota. 249 THE SACRED ROMAN ROTA, LONDON. CONCERNING INCARDINATION. During the blessed reign of Pope Pius X, in the ninth year of his pontificate, the Most Reverend and Most Excellent Fathers, Frederick Cattani, Anthony Perathoner, Ponens, and Joseph Alberti, Auditors, in the case of "London. - Concerning Incardination," brought forward by the Reverend Father Peter Mendosa, represented by his legitimate procurator, Mr. V. Sacconi, advocate, against the Most Reverend Bishop Michael F. Fallon, represented by his legitimate procurator, Mr. A. D'Alessandri, advocate, delivered the final judgment on January 9, 1912. The priest, Peter Mendosa Roussel, was born on June 4, 1874, in the parish of Saint Saviour in the city and diocese of Québec, so that this diocese is his diocese of origin. In that city, Roussel devoted himself to theological studies for some time, but later manifested his desire to leave his diocese of origin and enter another. Therefore, the Archbishop of Québec, named Bégin, recommended him to the Archbishop of the diocese of Santa Fé, Bourgade, who, graciously accepting the offered petition, wrote to Mr. Roussel on October 15, 1899: "From this moment, you may consider yourself accepted for the diocese of Santa Fé, and next year I will begin to bear the expenses of your studies." And indeed, from that time on, the Archbishop of Santa Fé considered Mr. Roussel as belonging to his diocese. For, by his delegation, Roussel received the tonsure from the Ordinary of Nicolet, and that was before he obtained his dismissal from his diocese of origin. Mr. Roussel finally obtained permission to leave his diocese of Québec on January 5, 1900, and that

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was for the diocese of Santa Fé, and by means of dismissal letters, which are called letters of excardination, or even "Exeat." There is no document concerning Roussel's incardination in the diocese of Santa Fé, but such an incardination can be presumed. For, Mr. Roussel was again promoted by the commission of the Archbishop of Santa Fé to the Minor Orders (on December 21, 1900) and to the Subdiaconate (on July 25, 1901) by the Ordinary of Nicolet, and to the remaining Major Orders by the Ordinary of Antigonea. In the city of Antigonea, he devoted himself to studies at the College of Saint Francis Xavier during the scholastic year 1901-1902, during which time he received both the Diaconate and the Priesthood (although it is not certain from the records). In the summer of 1902.

[*Latin ed. p. 250*]

250 Acta Apostolicae Sedis. - Official Commentary. Monsieur Roussel resides in the College of Toronto, in order to learn the English language! However, in the diocese of Sainte-Foi, he has neither appeared before nor after his ordination, but, scarcely ordained, he requested and obtained a dispensation, so that, as testified by the current Archbishop of Sainte-Foi, Pitaval, in a letter dated July 13, 1911, he was completely unknown in that diocese. Afterwards, from the year 1903 until the year 1907, Monsieur Roussel served in various places in the diocese of London, where he performed the sacred ministry as a vicar and curate. However, he left this diocese, having duly received the faculty to depart until its revocation. Now, Monsieur Roussel, currently a curate in the parish of Sellwood in the diocese of Sault-Sainte-Marie (or Saint Mary of Orense), claims that he was excardinated from the diocese of Sainte-Foi and duly incardinated in the diocese of London, and therefore insists that he be received among the clergy of the latter diocese. However, the Ordinary of the diocese of London, opposing the lack of legitimate incardination, refused the reception of Monsieur Roussel, who therefore supplicated the Holy Father that this matter be considered in Our Tribunal. Consequently, a Pontifical Commission is today examining the controversy, with the parties having agreed on this question: "Whether it is established that the priest Roussel was legitimately incardinated in the diocese of London, so that said incardination 'has produced all canonical effects'." Regarding the law, the Lords Auditors have noted the following: From the most ancient times of the Church, several Councils have prescribed that each person should be promoted to the sacred Orders by his own bishop (cf. c. I, D. 71, Council of Sardica; c. 2, ibid. John I; c. 3, ibid. Council of Nicaea; c. 4, ibid. Council of Chalcedon; c. 2, D. 72, Council of Carthage III; c. 6, sq. C. ix qu. 2, Council of Antioch; c. 9, same Council, Const. I; c. 10, same, Urban II; c. 1 de tempore ordinationis in vi. I, 9, Clement IV; c. 3, ibid. Council of Lugdunum, I). The "proper bishop" is, as Boniface VIII defines in VI Decret., c. Cum nullus (c. 3, in VI, I, 9), understood to be that bishop of whose diocese is the one who

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desires to be promoted to the Orders, whether he is from that diocese, or whether he holds an ecclesiastical benefice in that diocese, or whether he has (even if born elsewhere) his domicile in that same diocese. This discipline was again expressly confirmed by the Council of Trent, session 23, c. 8, de Reform, stating, "that each one should be ordained by his own bishop." Furthermore, with the passage of time, the custom has grown that bishops also promote their own relatives, even if from another diocese, to the sacred Orders, adding a fourth title to the aforementioned titles of origin, domicile, and benefice, namely that of familiarity, by virtue of which one is then subject to a particular bishop, if he has served completely and faithfully with him for a full three years, and moreover, immediately after ordination, obtains a benefice (Council of Trent, session 23, c. 9, de Ref.). But concerning these...

[*Latin ed. p. 251*]

The Roman Rota. Disputes have arisen frequently concerning 251 titles; therefore, Innocent XII, by Apostolic Letters addressed to the Speculators, dated November 4, 1699, declared in what manner and to what extent these titles were to be understood, so that any individual might legitimately become subject to a particular bishop, from whom he could be lawfully ordained. All subsequent questions were resolved by this Constitution. However, due to the varying interpretation of this Constitution, controversies arose again later, which were finally settled by the Decree *A primis* of the Sacred Congregation of Clergy, issued on July 20, 1898; this decree establishes the norms and conditions under which both excardination and incardination are to be carried out, so that canonical effect may be produced. Excardination is the perpetual dismissal of a cleric from his diocese, so that he may be received into another, carried out by the authority of the Ordinary. It is granted through special dismissal letters, which were formerly called *Exeat*, but are now called letters of excorporation or excardination. By these, a cleric is completely released from the power and jurisdiction of his bishop. According to the aforementioned decree *A primis*, excardination is not permitted except for just causes; nor does it fully take effect unless it is followed by incardination in another diocese. While the dismissal of a cleric from his own diocese to another is called excardination, the reception of the same cleric into another diocese is called incardination. For a legitimate incardination to be carried out, the aforementioned decree now requires a lawful act of excardination by the bishop from whom the cleric is dismissed, and an act of incardination by the bishop who assigns him to his diocese; both acts must be carried out in writing, so that excardination and incardination performed only verbally have no validity. Furthermore, incardination must be absolute and perpetual, that is, subject to no limitations, express or tacit, so that the cleric is completely bound to the new diocese, with the taking of an oath similar to that prescribed

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by the aforementioned Constitution *Speculatores* for acquiring domicile. It is also required that the incardinating bishop obtain from the dismissing bishop, under seal if necessary, appropriate testimonies regarding the cleric's birth, life, morals, and studies. Finally, let the bishops remember that, according to the Council of Trent, Session 23, Chapter 16, on reform, "no one ought to be ordained who is not useful or necessary to his church"; likewise, no new cleric is to be admitted unless for the necessity or benefit of the diocese. Therefore, according to the decree of the Sacred Congregation of Clergy *A primis*, excardination from one diocese and incardination into another must be carried out in writing, absolutely and perpetually, with the taking of an oath similar to that prescribed by the Constitution *Speculatores* for acquiring domicile.

[*Latin ed. p. 252*]

252 Acta Apostolicae Sedis. - Official Commentary. Furthermore, the Lords Auditors judged that the aforementioned conditions are required not only for the lawfulness but also for the validity of the act, or under penalty of nullity, so that an excardination and incardination, performed without observing these conditions, would be null and void. Indeed, this is already evident if one examines the words of the decree itself. For the lawfulness of excardination and incardination only allows for exceptions regarding causes: "excardinationem fieri non licere nisi iustis de causis." From this, it follows that the remaining conditions pertain to validity, according to the well-known axiom: "exceptio firmat regulam." Moreover, the aforementioned decree is general and absolute, and therefore, no method of performing an incardination other than that prescribed in writing should be admitted. This is further evident from the end of the decree. For that decree was issued and certain norms were established for performing excardinations and incardinations, in order to eliminate disputes, difficulties, and abuses concerning this matter. This objective would certainly not be achieved if the conditions established in the decree were not required for the validity of the incardination. Nor is the objection valid that the legislator did not expressly invalidate an incardination performed otherwise than in writing; for this is necessarily required, as it flows from the very nature of the matter. Indeed, excardination and incardination involve a true transfer of a cleric from one diocese to another, the legal effects of which must be clearly and certainly proven, which can only be obtained through a written document. Under the old law, in addition to written incardination, an oral, or rather, an implied incardination, namely through sacred ordination or the granting of a benefice, was in use, provided that it was certain that both bishops intended to permanently and absolutely dismiss the cleric and to permanently and absolutely receive him. Whether this type of incardination has been abolished by the decree *A primis*, which expressly requires a written document, is not something we need to

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investigate. However, it can be asserted, without controversy, that before the aforementioned decree, an incardination could be validly performed without a written document. For even the ancient authors speak of excardination being done in writing (cf. Fagnanus, I. 3, tit. de paroeciis, n. 2 and 4; Reiff. I. 3, tit. 29, n. 11; Ferraris, v. Testimoniales, n. 16). Hence, the *Il Monitore Ecclesiastico*, volume 8, page 2, page 275, in note d), long before the publication of the decree *A primis*, stated: "This decree of incardination (namely, the written document) must be notified to the priest who is being incardinated, as well as to the clergy or chapter to which he is being incardinated." (cf. Acta S. Sedis, vol. XXXIX, page 486). Furthermore, the requirement of an oath for the validity of incardination is proven by the fact that this oath must be given in the manner of that prescribed by the Constitution *Speculatores* for acquiring domicile. Indeed, according to...

[*Latin ed. p. 253*]

The Roman Rota, in Decree 253, declared that an oath was necessary for validly acquiring domicile. For it is written there: "He is considered subject to the jurisdiction of the diocese, for the sole purpose of receiving Holy Orders, who has sworn that he has a true and real intention of remaining permanently in the diocese." Therefore, just as an oath was necessary for validly acquiring domicile, so too it is necessary for the validity of incardination.

Nor can such a condition be prescribed by contrary custom. For the final clause of the decree *A primis*, which reads: "with all contrary things not hindering," abrogates all customs and laws, even if special ones, that are contrary, as if they were expressly mentioned (cf. Layman, Ann. I.I, vol. II, chap. 1, no. 12 in VI; Acta S. Sedis, I. c, p. 493). In light of what is established in law, the Lords Auditors, in the first instance, observed that the present controversy was to be judged according to the provisions of the decree *A primis* of July 20, 1898. For in this case, the decree itself is the subject of the matter. The incardination of which inquiry is made is said to have occurred in the year 1903, and therefore, according to the norms established by said decree, it should have been carried out. Indeed, in this case, the necessary elements for legitimately effecting incardination are completely lacking. There are indeed certain indications that an incardination was somehow carried out, but these do not fully prove the existence of a true and legitimate incardination. By virtue of the decree *A primis*, incardination must be carried out in writing, under penalty of nullity. But neither in the Holy See nor in the London archdiocese is there any written testimony; nor does the plaintiff himself have any document to produce proving legitimate incardination. Indeed, neither in the Holy See nor in the London archdiocese is there a document of the excardination of Father Koussel from the archdiocese of the Holy See. This document should have been kept in both archdioceses; and it is unlikely that, if it existed, it has

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been lost. The current Archbishop of the Holy See, Pitaval, who in 1902 was Auxiliary Bishop and General Vicar of the deceased Archbishop Bourgade, testifies that the excardination was carried out, and who, on July 31, 1910, wrote to the Reverend Jos. Gignac-Québec: "I believe I am as well informed as anyone about the matter. And I affirm conscientiously that Monsignor Bourgade one day told me: 'We must no longer count on Monsieur Roussel: I sent him his letters of excardination...' As for a copy, which you wish to have, I regret that I cannot provide it to you. We have searched in vain for the original document in the archives; it is not there... but I reaffirm that the Holy Archbishop told me one day: 'We must no longer count on the Abbot Roussel, I sent him his..."

[*Latin ed. p. 254*]

254 Acta Apostolicae Sedis. - Official Commentary. "He sent his letters of excardination." My word, I am certain, is "worth more than the copy you request." This testimony is certainly of great importance, although the same Bishop, duly requested by the H. S. Tribunal in a letter of July 13, 1911, and referring to the aforementioned letter, asserts that he knows absolutely nothing. Thus he writes: "Concerning the case, I know absolutely nothing; I have heard 'my predecessor, Monsignor Bourgade, speak only a little about a Mr. Roussel, who was ordained a priest in Canada for Santa Fé; but who was soon, or shortly thereafter, accepted by a bishop of Canada. 'Apart from Mons. Bourgade and myself, who have never seen him, I do not believe that there is in the entire Archdiocese of Santa Fé not only a single priest, but also a single person, who has heard of Mr. Roussel.'" With these two letters presented, it can be admitted that the priest Roussel, from the diocese of Santa Fé, although completely unknown in that diocese, was excardinated, even though no document of excardination can be found. But setting aside this question, as to whether the aforementioned priest Roussel was duly excardinated from the diocese of Santa Fé, it is not certain that he was legitimately incardinated in the London diocese. For, in the London Curia, there is also no written document of this alleged incardination, as required by the decree *A primis*, although other documents relating to the aforementioned priest Roussel can be found. The Chancellor of the London Curia reports to his Bishop: "I have diligently examined the records of the Curia of the diocese of London. But in vain; the letters of incardination of R. D. Roussel are not found among the records of the Curia... R. D. Roussel entered the diocese of London in the year 1903. At that time, the office of keeping the records of the Curia was under my responsibility, as Chancellor of the diocese of London. But I have never seen the letters of excardination of R. D. Roussel from the diocese of origin, nor the letters of incardination in the diocese of London." Therefore, in the London Curia, there is no written document of the completed excardination from the diocese of Santa Fé, nor of the subsequent incardination in the new diocese. In

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addition to these two written documents, a document of the oath taken is also required, which is also necessary for the incardination to be valid. It cannot be presumed that the oath was taken according to the principle: "in dubio praesumitur recte factum, quod faciendum erat." For this principle only applies to accessory matters, assuming the certainty of the principal act. In our case, however, the principal act, namely the incardination, is not established by the documents, and therefore this principle cannot be invoked on this very ground. Furthermore, the

[*Latin ed. p. 255*]

The Roman Rota. 255. He himself could have resolved the doubt by confessing that he had taken an oath. But the defendant maintains that no oath was issued, just as he cannot produce any document of completed incardination. Nevertheless, the defendant insists that he was incardinated in the London diocese. He states that in 1903 he entered the diocese of London, and there he was named a Vicar in the place of Stratford. When Bishop of the Holy See heard this, he informed him that he should either return to his diocese or request letters of excardination. Roussel, as he himself recounts, therefore truly requested and obtained these letters, and sent them by postal service to Bishop Mac Evay of London, who, upon receiving the letters, incardinated him in the new diocese! In the words of the defendant: "When Monsignor Bourgade, Archbishop of Santa Fé, learned that I was exercising the ministry in the diocese of London, he informed me to return to my diocese or to request letters of excardination. I showed this letter to Monsignor Fr. P. Mac Evay, who invited me to request my letters of excardination, promising to incardinate me in his diocese. These letters of excardination I requested, I received, I sent them by post to Monsignor Mac Evay, who declared that he had received them and that by them he had incardinated me in his diocese." These words of the defendant, if one may believe him in this matter and in court, the Lords Auditors considered to demonstrate that some excardination or dismissal of Father Roussel from the diocese of Santa Fé had occurred, but that his incardination in the diocese of London was not legitimately carried out. For the defendant must demonstrate that the incardination was carried out in accordance with the form prescribed by the decree and with all necessary conditions verified. But he cannot demonstrate this. Furthermore, the Lords Auditors considered that nothing should be made of the argument for the incardination of Father Roussel from the fact that he was enrolled in a certain society called: "Société St-Jean l'Évangéliste du diocèse de London pour le secours des prêtres infirmes et retirés dû ministère." For in such societies, all priests residing in a diocese and exercising the sacred ministry are usually enrolled, even if they are not incardinated in that diocese, provided they pay the prescribed tax. The only thing that seems to favor the defendant is that the Lords Auditors considered the conduct and deposition of Bishop Mac Evay,

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who presided over the diocese of London until the year 1910, and who recently passed away in Toronto. This Bishop granted the priest Roussel, who intended to transfer himself to another diocese for various reasons, a requested license to leave on April 23, 1907, until revocation.

[*Latin ed. p. 256*]

256 Acta Apostolicae Sedis. - Official Commentary. The Archbishop of Mae Evay, on August 23, 1907, while Roussel was in the Manchester diocese, wrote to the Bishop of that diocese, who had gathered information about Roussel's conduct: "The Abbé Roussel belongs to this diocese, and he left us with a good reputation." Furthermore, the aforementioned Archbishop, as Archbishop of Toronto, wrote to his successor in the London diocese, namely Bishop Talion, on March 6, 1911: "Regarding the Reverend Father Roussel, he was duly incardinated in the diocese of London, and the documents should be found in the diocesan archive." Finally, the Archbishop of Mae Evay, duly questioned on March 7, 1911, answered the following: I. Did he receive letters in 1903 in which the Holy See had incardinated the priest Roussel? II. Did he, upon receiving these letters, register the same priest Roussel in the London clergy and establish the fact of this incardination from the acts of the Holy See? To 1, he replied: "Affirmatively; as for the fact, there is no doubt, as for the time, I speak from memory, because I do not have the documents." To 2, he replied: "Affirmatively." All of this, of course, was of great importance to the Lords of the Audience, but not to the extent that it could compensate for the lack of documents in such a serious matter. In the first place, for a legitimate incardination of the priest Roussel, the letters of recommendation granted by the Bishop of Mae Evay cannot be invoked. For each priest is obliged, by the Ordinary in whose diocese he has resided for a longer time and where he has exercised the sacred ministry, when he wishes to leave it, to request letters of recommendation, if he wishes to be admitted to celebrate Mass and perform other divine services in another diocese. These letters are granted either with a general formula, or for a specific period of time, or without a specific time limit. But what the aforementioned Archbishop wrote to the Bishops of Manchester and London, while demonstrating that some incardination or reception of the priest Roussel indeed took place, does not at all prove that it was done according to the norms established by the decree *A primis*. The same applies to the testimony of the Archbishop of Mae Evay, which, moreover, was not sworn, and was furthermore given in a matter concerning life and death. Furthermore, according to what was stated above, the decree *A primis* expressly requires a written document for incardination and excardination, under penalty of nullity. When a written document is necessary for the substance of an act, as proven by the authorities, it is also necessary for the proof of the act, so that witnesses alone are not sufficient. With respect to this, Reiff (I. II, title 22, n. 282) states: "There are many cases

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in which a written document is required (for proof) and witnesses are not sufficient; among these..."

[*Latin ed. p. 257*]

257. Sancta Romana Bota. "Enim 34 enumerat Glossa in c. 1, vers. "in scriptis" de cens. in 6°". Quando hoc locum habeat, citatus auctor explicat dicens: "Illud est speciale in actibus illis, in quibus, iure sic disponente, requiritur scriptura "ad substantiam actus sive contractus: sicque testes non sufficiunt... secus dicendum in ceteris casibus, seu ubi scriptura necessario non debet intervenire" (I. c. n. 291). Similiter Pirhing (I. II, t. 22, § 79) et Schmalzgrueber (De fide Instr., P. III, t. 22, § 91) tradunt, scripturam ad probationem actus esse necessariam, quando eadem de essentia est contractus vel quando ex dispositione legis intervenire debet. Ex qua doctrina inferre licet, defectum documentorum scriptorum, quae decretum A primis pro validitate incardinationis omnino exigit, suppleri non posse per testimonium Episcopi Mae Evay, siquidem, quando scriptura necessaria est ad substantiam rei, necessaria est etiam ad eiusdem actus probationem, neque sufficit probatio per testes. Ceterum, etsi detur scripturam in casu posse suppleri per testes, tamen unicum Praesulis Mae Evay testimonium haud sufficit. Nam vox unius, vox nullius. Unicus scilicet testis satis est ad probandum, tantum quando eius depositio nemini nocet et alteri prodest. Quando autem lata sententia magnum faceret praeiudicium, regula est, quod in qualibet causa ad legitimam probationem plenamque fidem faciendam requiruntur duo testes probatae vitae et omni exceptione maiores (Reiff., I. II, tit. 19, n. 61, 62; et tit. 20, n. 231). Testimonium enim unius, quantumvis legitimum, contra alterum regulariter non probat, nec sufficit ad decisionem causarum. Et hoc intellige de uno teste in quacumque dignitate sit constitutus, ut habet c. de testibus: "Manifeste facimus, ut unius omnino testis responsio non audiatur, etiamsi praeclarae Curiae honore praefulgeat." (cfr. Reiff., I. II, tit. 20, n. 247, 248). Unicus igitur testis non probat. Nec opponi potest, testimonium Episcopi Mae Evay coadiuvari testimonio hodierni Episcopi Sanctae Fidei, qui, ut supra dictum est, a praedecessore audivit: "Il ne faut plus compter sur Monsieur Roussel; je lui ai envoyé ses lettres d'excardination". Haec enim verba tantum invocari possunt pro sacerdotis Roussel excardinatione ex dioecesi Sanctae Fidei, non autem pro eiusdem legitima incardinatione in dioecesim Londonensem. Notandum est, Praesulem Mae Evay testem esse non iuratum. Testis autem non iurati dictum, demptis certis casibus, regulariter non probat, ut expresse habetur in c. Nuper nobis (c. 51, X, Lib. II, Tit. 20) illis verbis: "Nullius testimonio, quantumcumque religiosus existat, nisi iuratus deposuerit, in alterius praeiudicium debet credi." (cf. Reiff., I. c, n. 463).

[*Latin ed. p. 258*]

258 Acta Apostolicae Sedis. - Official Commentary. Having considered

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all these matters with diligence and care, the Lords Auditors judged that it was not certainly established regarding the legitimate incardination in this case, or that it was at the very least doubtful, and therefore the Bishop of London could not be obligated to receive the priest Roussel. For an obligation is not given unless it is certainly established. Therefore, We, the undersigned Auditors of Tournon, invoking the Name of Christ, sitting for the tribunal and having only God before our eyes, decide, declare, and pronounce that it is not established that the priest Roussel was legitimately incardinated in the diocese of London, or, responding to the question posed, we answer: Negatively; We establish and order that the judicial expenses be compensated between the parties; and that the costs of the execution of the sentence be paid by each party in equal measure. Thus We pronounce, establishing that those to whom it pertains to carry out the execution should enforce this Our sentence, and against those who resist, they should proceed according to the sacred Canons, especially chapter 3, Session XXV, concerning reforms of the Council of Trent, employing the executive and coercive means that are most effective and appropriate for the circumstances. Rome, in the seat of the Tribunal of the Holy Roman Rota, on the 9th of January, 1912. Frederick Cattani. Anthony Perathoner, Presiding. Joseph Alberti. Sac. Tancredes Tani, Notary.

[*Latin ed. p. 259*]

Diary of the Roman Curia, 259. DIARY OF THE ROMAN CURIA, SACRED CONGREGATION OF RITES. PREPARATORY MEETING. On March 12, 1912, in the Vatican Apostolic Palace, with the presence of the Most Eminent and Reverend Lords Cardinals, and with the votes of the Reverend Prelates Officials and the Theological Consultors, the Preparatory Meeting was held to discuss the question regarding the heroic virtues of the Venerable Marcellinus Joseph Champagnat, Priest of the Institute of the Little Brothers of Mary.

TRIBUNAL OF THE HOLY ROMAN ROTA. NOTICE OF COMPETITION. Having obtained the necessary authorizations according to Chapter II, "De Provisione Officiorum," in the Constitution *Sapienti Consilio*, this competition for a position of Scribe at the Holy Roman Rota is hereby announced through this notification. The written examination, to be conducted in the Latin language, will concern the Constitution of the Roman Curia and the diocesan Curias, and their mutual relations, as well as the procedural rules of ecclesiastical judgments. The examination will take place on April 24th of the present year, at 8 o'clock in the morning, and those who wish to participate must present their application and qualifications for admission to the Chancery of the Tribunal no later than the 20th of the same month.

From the Chancery of the Tribunal, March 26, 1912. Michele Lega, Dean. Avv. T. Tani, Notary.

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SECRETARY OF STATE. APPOINTMENTS. By a note from the Secretary of State, the Holy Father deigned to appoint:

Commissioner of the Sacred Congregation of the Holy Office: March 24, 1912. — The Reverend Father Domenico Pasqualigo, of the Order of Preachers, Vice-Commissioner of the same Sacred Congregation.

[*Latin ed. p. 260*]

Acts of the Apostolic See. - Official Commentary. With letters and briefs from the Secretariat of State, the Holy Father deigned to appoint:

Assistant to the Papal Throne: March 11, 1912. — Monsignor Matteo Harkins, Bishop of Providence.

Apostolic Protonotary *ad instar participantium*: March 13, 1912. — The Reverend Father Alessio Solanet, General Vicar of the diocese of Mende.

Domestic Prelates of His Holiness: March 15, 1912. — Monsignor Simone Deploige, President of the Higher Institute of Philosophy in Louvain. — The Reverend Canon Francesco Uberto Cleynhens, of Antwerp.

Consistorial Advocates: March 15, 1912. — Mr. Advocate Professor Alberto Guidi, of Rome. — Mr. Count Vincenzo Sacconi, of the same city.

HONORS. With letters and briefs from the Secretariat of State, the Holy Father deigned to bestow the following honors:

The Order of the Golden Militia, also known as the Order of the Golden Spur: March 19, 1912. — To His Most Illustrious Highness, Mr. Count Emich de Leiningen Billigheim, formerly Captain of the Papal Dragoons.

The Order of Saint Gregory the Great, civil class: March 14, 1912. — To Mr. Alessandro Braun, Senator of Belgium. March 18. — To Mr. Paolo Luigi Armando Soffrey de Beaumont-Beynac, of the diocese of Périgueux.

The Order of Saint Gregory the Great, military class: March 16, 1912. — To Mr. Baron Robert Grant de Luxollière de Bellussière, of the diocese of Périgueux.

The Order of Saint Sylvester the Pope: March 8, 1912. — To Mr. Knight Giuseppe Hassinger, of Vienna.

The Order of Saint Gregory the Great, civil class: March 9, 1912. — To Mr. Giacomo Giovanni Luigi Kneppers, of the diocese of Bois-le-Duc. March 14. — To Mr. Onorato de Winde, Secretary of the Catholic Association of Brussels. — To Mr. Carlo Bulens, of the same city. March 18. — To Mr. Elia Ramel, of the archdiocese of Lyon.

[*Latin ed. p. 261*]

Year IV. - Vol. IV. April 15, 1912. No. 7

ACTA APOSTOLICAE SEDIS

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OFFICIAL COMMENTARY

ACTS OF POPE PIUS X

ADDRESS GIVEN ON APRIL 14, 1912, TO CHILDREN WHO, HAVING RECEIVED THE HOLY COMMUNION FOR THE FIRST TIME, ARRIVED FROM FRANCE, VENERATING THE APOSTOLIC SEE.

"I thank you, my dear children, for the consolation you give me by being in your presence, knowing that I represent Jesus Christ Himself, who delighted to be among your kind and said to His apostles: 'Let the little children come to Me, and do not hinder them, for the kingdom of heaven belongs to those who are like them.'" (MATT., XIX, 14).

"I have another special reason to thank you, my dear children, because this solemn demonstration of your love for the Pope, which has cost you the hardships of a long journey, gives me the opportunity to rejoice in your obedience to the invitation that Our Lord addressed to you through my mouth, when, for the first time, despite the tenderness of your age, you received Him in the most holy Communion."

"We read in the Gospel that the Divine Redeemer one day called a little child, similar to you, and placing him among His apostles, addressed these words to them: 'Guard yourselves against despising one of these little ones, for I tell you, their angels in heaven continually see the face of My Father who is in heaven.'" (MATT., XVIII, 10).

"Alas! these celestial guardians are too often saddened and filled with horror when they discover in the souls entrusted to them, corruption and..."

[*Latin ed. p. 262*]

Acta Apostolicae Sedis. - Official Commentary. The stains of sin; the angels of children, on the contrary, without ever being distracted, by their care, from the blessed vision of God which they see face to face, in His eternal light, find Him again within their soul, where He is reflected as in a mirror of innocence, purity, and candor. But if this is true of all, as well as of your own kind, whom Our Lord called among His apostles, what would He have said of you, dear little children, who have received Him Himself, with His divinity and His sacred humanity, in the Holy Communion, where you have united your flesh with His flesh, your blood with His blood, where your heart has beat with His? What would He have said of your holy angels, above whom you are raised by the participation in the Holy Eucharist, since they have not received this grace which has been granted to you, to be nourished by Jesus Christ, to become one thing with Him, to be united to Him, to the point of, in some way, appropriating His divine nature and His infinite perfections? And see, my dear children, the graces that flow

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from this benefit. By this communication of Himself, this loving Savior gives to our intelligence truth, to our will justice and holiness, and to our heart goodness; so that the faithful who receives Communion can, in all truth, repeat with St. Paul: "For to me, to live is Christ. I live; no longer I, but Christ lives in me. Mihi vivere Christus est. Vivo, iam non ego, vivit vero in me Christus." Thus, since God is immaculate purity, he who unites himself with Jesus Christ in the Holy Communion, rises like an innocent dove from the muddy waters of this miserable world, and flies away to take refuge in the bosom of God, of He who is purer than the immaculate snows that crown the mountains. If God is infinite beauty, he who unites himself with Jesus Christ attracts the admiration and loving gaze of the angels, who, if they could suffer any passion, would be jealous of his lot. If God is charity by essence, the faithful united with Jesus Christ is as if transported into a blessed ecstasy; charity transforms him; it is betrayed in all his outward appearance and even in his face, in the ardent aspirations of his heart, and in the sweetness of his words which distill from his lips like honey; everything in him recalls and manifests love. Finally, if God is goodness itself, and goodness in the language of the Holy Scriptures is the same as perfection, the faithful who has united himself with Jesus Christ in the Holy Eucharist, finds Philippians 1:21. Galatians 2:20.

[*Latin ed. p. 263*]

263 The acts of the Holy Fathers demonstrate that, through this Sacrament, all perfection and all holiness are attained; from it, one draws the strength to rise above oneself, to aspire to eternal happiness, and to despise the false goods of this world, as being powerless to satisfy one's desires. Similar to the chariot of fire of the prophet Elijah, it carries one far from this world, and, while still living on earth, it transforms one into an inhabitant of heaven, enjoying a peace and a happiness that no tongue can express; for, according to the words of Holy Scripture, "the eye of man hath not seen, nor ear heard, neither hath it entered into the heart of man, what things God hath prepared for them that love him." Thus, the promise of Jesus Christ is fulfilled: "He that eateth my flesh, and drinketh my blood, hath everlasting life. Qui manducat meam carnem et bibit meum sanguinem habet vitam aeternam." He does not say that he will have it, that it is reserved for him in the future, but that he already has it, and that he possesses its certain pledge. My dear children, I congratulate you once again on the great grace that God has bestowed upon you, and I rejoice in addressing you as angels, or rather, as rivals of the angels, who surpass them in happiness, through this privilege of the Holy Communion, which has united you intimately with Our Lord in the participation of His adorable Body and Blood, of His divine nature and His infinite perfections. To these congratulations, I will add some advice, which I ask you to impress deeply upon your memory. You have tasted these benefits of God, of which I have just spoken, before

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having a full and complete understanding of them, because the holy affections of the heart still await, at your age, the perfect development of intelligence; therefore, I recommend to you, above all, as a fruit of your visit to the Pope, the resolution and the solemn promise to continue attending the catechism for a long time. It is there, by diligently and lovingly perfecting yourselves in the knowledge of Christian doctrine, that you will learn, along with other truths of our holy religion, that the divine Eucharist is the center of faith, the ultimate goal of all other devotion, the source of all good, the consummation of all the other Sacraments, the summary of the divine mysteries, the river of all graces, the balm of all sorrows, the bread of life, the viaticum that strengthens us for the journey to eternity, the pledge and the foretaste of eternal happiness.

My dear children, dear first communicants, you have received Our Lord for the first time, but this is not enough.

[*Latin ed. p. 264*]

264 Acta Apostolicae Sedis. - Official Commentary. Today we ask God for the bread that sustains the life of our body; thus, we need the bread of heaven that gives life to our soul. The second recommendation I offer you is to approach the eucharistic table frequently, if you cannot do so every day, in order to unite yourselves with your Savior. You will also make frequent visits to Him in the solitude and silence of His tabernacle, where you will hear Him address you with this invitation full of love: "Come to me, all you who labor and are burdened, and I will give you rest." Finally, my last desire, my dear children, is that the love of Our Lord may reign so strongly within you that it transforms you into so many apostles, zealous for His glory; you will be the treasure of your families, whom you will comfort with your good conduct, and whose very example will lead them to frequent the holy Eucharist; at school, you will inspire emulation in your young classmates through your piety; in the parish, all will regard you as guardian angels; and finally, everywhere around you, through your prayers, through your wisdom, and through the very attractiveness of your modesty, you will contribute, as much as is in you, to the conversion of sinners and to the return to Jesus Christ of the unbelievers and the indifferent.

In offering you these recommendations and wishes, my most dear little children, I wholeheartedly grant, to you, to your young companions in France, to your fathers and mothers, and to all your relatives, the apostolic blessing.

LETTERS APOSTOLIC.

I. THE CATHEDRAL CHURCH OF POITIERS IS DISTINGUISHED BY THE DIGNITY OF A BASILICA OF MINOR RANK.

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PIUS PP. X.

For the sake of posterity.— Preserving all those things which have been wisely instituted by Roman Pontiffs, our predecessors, for the fostering of the divine cult, we are accustomed to adorn sacred buildings which are known among the Christian people to be of singular honor and value, with titles and privileges. Among these, the Cathedral of the Blessed Peter at Poitiers deserves to be included, for, while it shines with many ornaments, it seems above all to ennoble the Poitiers diocese itself.

[*Latin ed. p. 265*]

Acta, Pontificii Pii X, 265. This most ample and ancient Church, distinguished among the most illustrious of the Gallican Churches, is especially renowned for its pastors, many of whom, for reasons admirably accomplished, have merited the praise and veneration of all. Indeed, that holy Doctor, Hilary, must be most highly celebrated, a most ardent defender of the divinity of Christ against the Arians, and, to mention one of more recent times, it is fitting to remember Lewis Edward, Cardinal of the Holy Roman Church, who, like Hilary, defended the integrity of the Faith against the Arians of the present time. Therefore, when the venerable Brother Lewis Humbrecht, Archbishop of Poitiers, implored us with fervent prayers that we might grant that the aforementioned church be raised to the dignity of a minor basilica, we, considering the illustrious merits of the same, have readily decided to fulfill such a request. Wherefore, by our Apostolic authority, through these letters, we elevate the Cathedral Church of Poitiers, dedicated to the Apostle Peter, to the dignity of a minor basilica, and we attribute to it all those privileges which pertain to the minor basilicas of this our Alma City: decreeing that these our letters shall always exist and be valid and efficacious, and shall fully produce and obtain their intended effects, and shall fully suffice for those to whom they pertain, now and in the future, in all things and through all things: and it shall be judged that the foregoing is to be considered as established, and that it shall be void and of no effect if anyone, by any authority, knowingly or unknowingly, should attempt to alter it in any way, notwithstanding any Apostolic Constitutions and all other enactments, even those deserving of special and individual mention, to the contrary. Given at Rome, at St. Peter's, under the Fisherman's ring, on the first day of March, 1912, in the ninth year of our pontificate. R. CARD. MERRY DEL VAL, Prefect of the Secretariate of State.

L. |$| The Most Holy Society of the Heart of Jesus, established in the National Church at Brussels, is erected into an archconfraternity and declared primary for the entire territory of Belgium. PIUS PP. X. For the perpetual memory of this event.

Pious confraternities, like auxiliary cohorts, assist the militant Church

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in promoting the splendor of worship, and in encouraging the Christian people in their endeavors towards works of piety and in the active practice of evangelical counsels. In order that these pious confraternities may more abundantly attain this fruitful end, from Rome...

[*Latin ed. p. 266*]

266 Acta Apostolicae Sedis. - Official Commentary. Our predecessors in the papacy have customarily enriched and adorned these institutions with spiritual treasures, as well as with special titles and privileges, according to the needs of the time. Indeed, Our beloved son, Desideratus Iosephus Mercier, Cardinal Priest of the Titular Church of St. Peter in Chains, Archbishop of Mechlin and Primate of the Belgian jurisdiction, reports to Us that, in the National Temple in Brussels, in honor of the Most Sacred Heart of Jesus, a confraternity of the same name, established by the Ordinary of Mechlin, exists: this confraternity, on the eleventh day of the month of June, 1905, was joined to the Venerable Archconfraternity of this City, with the aim of offering due thanks to the Divine Heart for all the benefits generously bestowed upon the Kingdom of Belgium, especially in the Basilica which, by the vow of all the citizens, is erected in the Royal City in honor of the same Most Sacred Heart; furthermore, the purpose of this society is to continually obtain from God greater graces and greater blessings for the Church and the Kingdom, as well as to invoke heavenly aid for the members themselves, their families, and their intentions. The same Cardinal Archbishop adds that this confraternity, having begun with humble origins, has, with the Lord's favor, spread far and wide, especially after We, through Apostolic Letters dated the seventh day of the month of October of the year 1906, generously granted a plenary indulgence to the members who pray for one hour before the Most Blessed Sacrament in the National Temple of Brussels, an indulgence which, through similar Letters dated the fourteenth day of the month of March of the year 1909, We extended to all members who perform the same act of adoration, even if, for reasons of time or work, they are unable to be present in the temple. Now, the aforementioned Cardinal Archbishop of Mechlin informs Us that many faithful have flocked to and continue to flock to this society, attracted by the spiritual works with which the Church is endowed; and that, at present, nearly twenty thousand members of this society reside throughout the Kingdom. But He also informs Us that, considering especially the frequent number of those inscribed, it seemed opportune to draw up new statutes for the entire society, so that the members themselves might more easily and appropriately attain the aims of the confraternity, which are: to promote the study of Christian life; to foster devotion to the Most Sacred Heart of Jesus; to follow more religiously each day the footsteps of the Divine Master, and especially to dedicate themselves to the constant adoration of the august Sacrament and to frequent Holy Communions. Therefore, He reports to Us, according

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to the authority of the aforementioned statutes, recently approved by the same Cardinal Archbishop, that the members of the aforementioned confraternity, according to their age, form of devotion, and the disposition of each individual, are divided into four

[*Latin ed. p. 267*]

Acta PP. X. 267: The classes or grades are divided, and the members of the first class are commonly called "Les simples Associés" [The simple Associates], and they are to recite daily the Our Father and the Angelic Salutation, adding the invocation, repeated three times, "Sacred Heart of Jesus, protect Belgium." The members of the second grade, called "the adorers of the Sacred Heart," are to dedicate themselves, besides the daily prayers, as mentioned above, to the adoration of the Most Holy Sacrament once a day or a week, or at least once a month, as each one is able. The members of the third grade are to be designated by the title "The Holy League of the Sacred Heart for Frequent and Daily Communion," and they are to obligate themselves, besides the aforementioned prayers recited daily, to receive the Holy Communion at least once a week, if not daily. Finally, the fourth grade, commonly called "The League of Children of the Sacred Heart," strives to bring children to Him who said, "Suffer the little children to come unto me," and to encourage them with all diligence to attend the Holy Sacrifice of the Mass daily, and to approach the Eucharistic table more and more frequently with a pure heart. Furthermore, the Archbishop adds that this pious association, united in a bond of prayers and merits of all the faithful of every age and condition, distributed into the aforementioned grades, will, as far as possible, draw them closer to the most sacred Heart of Jesus, and that the association itself will, with greater and more intense zeal, strive to achieve its intended purpose, and that this will be to the benefit of the country, religion, and the Church. With these things established, the aforementioned Archbishop of Mechlin and of the Belgian diocese, desiring that this useful society be widely spread and that the piety of its members be increased more and more, we, moved by fervent prayers, wish to elevate the society to the dignity of an Archsodalitas [Archconfraternity] by our benevolence. Indeed, we consider it most fitting to grant our approval to these desires, realizing that this will contribute greatly to the growth of such a fruitful society. Since these things are so, by our Apostolic authority, we hereby establish, in perpetuity, the confraternity in honor of the most sacred Heart of Jesus, founded in Brussels in the National Church of the same title, as an Archconfraternity, granting it all the rights and privileges that belong to Archconfraternities. Furthermore, in order to show our goodwill and generosity towards this society, both for the frequent number of members, as mentioned above, and for the excellent work that it is flourishing in, we wish to honor it with special papal acts. Therefore, we grant to the Moderator and the members of this same sodality, now and

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forever, for as long as it exists, within the Archconfraternity established by us, the following.

[*Latin ed. p. 268*]

Acts of the Apostolic See. - Official Commentary. 268. By the fullness of Apostolic authority, We grant:

I. That the Moderator and the present and future confreres, the confraternities of the same institute and name, canonically erected or to be erected, within the boundaries of the Kingdom of Belgium, even if they do not include all the degrees mentioned above, or if another confraternity of the same name and nature exists in the same place, may lawfully and validly aggregate themselves to it. In granting this faculty, We derogate expressly from the Constitution of Clement VIII, Pope, of blessed memory, Our Predecessor, and from other laws pertaining to distance.

II. That they may lawfully and validly communicate with the confraternities thus aggregated, not only in the proper indulgences that are communicable with others, but also in all and each of the indulgences that are equally communicable to which the Venerable Archisodalitas of this City possesses, and this notwithstanding the change, as mentioned above, of the daily prayers recited to gain those indulgences.

III. That canonically erected or to be erected sodalities may lawfully and validly aggregate themselves, not only in churches or public chapels, but also in convents of religious women.

IV. Finally, it shall be permissible for the Moderator and the Confreres to appoint Zealous Members, both men and women, who shall enjoy the legitimate and valid faculty of enrolling and receiving members, provided that they transmit the names of the enrolled members to the Seat of the Archiconfraternity at least twice a year.

Finally, in order that all cause for ambiguity may be completely removed, any defects, if any should have occurred in the enrollment of the faithful, We, by Our Apostolic authority, through the present document, remedy; and We decree that all confreres from the beginning who have been admitted to the sodality of the Most Sacred Heart shall be considered and held to be truly and legitimately attached to the same Archisodalitas, and may lawfully and validly enjoy all the proper indulgences of that Archisodalitas.

These things We grant, decreeing that these present Letters shall always remain and be efficacious, and shall have their full and complete effect, and that they shall fully benefit those to whom they pertain or may pertain, and that it shall be judged and defined to be rightly done, and to be void and null, if anything contrary to these things should be attempted by anyone, knowingly or unknowingly, by any authority whatsoever.

Notwithstanding Apostolic Constitutions and Ordinances, and other special licenses and individual provisions worthy of mention and

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derogation, which might seem to act in the contrary.

Given at Rome, at St. Peter's, under the Fisherman's Ring, on the twenty-second day of March, in the year 1890, in the ninth year of Our Pontificate.

R. CARD. MERRY DEL VAL, Secretary of State.

L.S.

[*Latin ed. p. 269*]

Acts of Pope Pius X, 269. LETTERS. I. TO THE REVEREND FATHER RUDOLPH HOTTMAIER, BISHOP OF LINZ, WRITING, PRAISING HIS PASTORAL DILIGENCE. Venerable Brother, greetings and the apostolic blessing. — That which you recently wrote to Us, informing Us how Our prescriptions for the proper guidance of souls have been carried out in your diocese, brought Us not a little joy. For from it We learned that the condition of this Church is quite favorable, and that it is joined with better hopes, since you, in particular, are far removed from the pestilence of Modernism; those who had strayed from the path are gradually returning; and, especially, young people frequent Marian gatherings, from which they are aroused to love of religion and to a desire for the Christian life. Therefore, let Us give thanks for the goodness of God and the patronage of the Divine Mother; but also, let Us praise your pastoral diligence, Venerable Brother. You have already demonstrated it to Us very well; and there is no doubt that you will continue to do so. Concerning what you write about the abolition and translation of feasts, know that the Sacred Congregation of the Council has recently responded to the Archbishop of Prague, who had requested this, for all the Bishops of Austria. We gratefully receive the auspicious omens with which you greet Us on the Nativity of Our Lord Jesus Christ; and, in return, We desire to grant you everything you wish, may the apostolic blessing be a foretaste of this, which We impart to you, Venerable Brother, and to your clergy and people with the greatest affection. Given at Rome, near St. Peter, on the twentieth day of December, in the ninth year of Our pontificate. PIUS PP. X. II. TO THE REVEREND FATHER ANTONIUS FIAT, GENERAL SUPERIOR OF THE VINCENTIAN CONGREGATION, MODERATOR OF THE ARCH-SODALITY NAMED AFTER THE HOLY WOUNDS OF OUR LORD JESUS CHRIST, WRITING TO CONGRATULATE HIM. Beloved Son, greetings and the apostolic blessing. — This Arch-Sodalitas, which you direct, certainly safeguards a most excellent work, both of piety and of charity: for it desires that from the constant meditation on the sorrow and anguish with which the Lord Jesus was almost consumed at Gethsemani, a common offering be brought by the members, so that both the tranquility of the holy Church and the salvation of eternal life may be implored from God for the dying brothers.

[*Latin ed. p. 270*]

270 Acta Apostolicae Sedis. - Official Commentary. rent. For, just

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as the agony of Christ possesses a great similarity to that perpetual struggle which the Body of Christ, which is the Church, endures, so too, he who is moved by the most tender mercy of the Redeemer, who so abhorred the sins of others which He Himself bore, will readily pity those brothers whom, animated by zeal, the terror of their own faults troubles. Therefore, this kind of association is rightly favored and enriched by our predecessors, the blessed Popes Pius IX and Leo XIII, with privileges, and adorned with great praise. And we, seeing it already spread far and wide, and flourishing greatly in the number of its members and in their zeal, as you have announced, rejoice greatly; and we congratulate you and all the members, as the anniversary of its founding, which is to occur soon, approaches. And you, for your part, continue to pray with greater devotion to God for the common good, so that the Church, if it cannot cease from struggling, may certainly become stronger daily in the struggle, and that the good Mother may embrace her erring children, at least at the end of their lives, in reconciliation. Divinely, we bestow upon you all, and especially upon you, dear son, our most loving apostolic blessing. Given in Rome, at St. Peter's, on the twentieth day of December, 1911, in the ninth year of Our Pontificate. PIUS PP. X.

TO THE MOST REVEREND MONS. DBMIMUID, APOSTOLIC NOTARY, GENERAL MODERATOR AND PRESIDENT OF THE PRIMARY COUNCIL OF THE SOCIETY OF THE INFANT JESUS, FOR THE PURPOSE OF CONGRATULATIONS.

Dear Son, greetings and the apostolic blessing. — We were greatly pleased by the new testimony of love and obedience which you have shown us at the beginning of the year, both in your own name and in the name of the Society of the Infant Jesus. And we are very happy that you mention with gratitude the grave danger of inconvenience which has been averted thanks to your Association, with our support; for this declares that your work is most dear to us, and that you yourselves are diligently devoted to the same work. Therefore, rejoicing greatly with you in these happy achievements, we earnestly implore the Giver of all good things to confirm them with the same stability and ever greater fruitfulness. In this regard, as a pledge of divine grace and a witness of Our benevolence, We impart to you, dear son, and to the entire society which you admirably govern, Our apostolic blessing with a grateful heart in the Lord. Given in Rome, at St. Peter's, on the twenty-sixth day of January, 1912, in the ninth year of Our Pontificate. PIUS PP. X.

[*Latin ed. p. 271*]

Sacred Congregation of the Consistory. 271. SACRED CONGREGATION OF THE CONSISTORY. By successive decrees of the Sacred Consistory, Our Most Holy Lord Pope Pius X has provided for the following churches, namely: March 2, 1912. — To the titular archbishopric

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church of Seleucia in Syria, he appointed the Reverend Dominic Serafini, formerly Archbishop of Spoleto. March 9. — To the titular bishopric church of Arindela, he appointed the Reverend Joseph Henry Conroy, a general vicar of the diocese of Ogdensburg, whom he established as an Auxiliary to the Reverend Henry Gabriels, Bishop of Ogdensburg. March 21. — To the cathedral church of Panama, he appointed the Reverend William Rojas, a priest of the Congregation of the Mission and the apostolic administrator of the same diocese of Panama. March 23. — To the titular bishopric church of Temne, he appointed the Reverend Michael Higgins, of the diocese of Tuam, where he was a parish priest in the place commonly called Gummer, whom he established as an Auxiliary to the Reverend John Healy, Archbishop of Tuam. March 26. — To the titular archbishopric church of Cyrene, he appointed the Reverend Louis Szmrecsányi, titular Bishop of Magydus and Auxiliary to the Most Reverend Archbishop of Agriensis, whom he established as a Coadjutor with the right of succession to the Most Reverend and Reverend Lord Joseph Samassa, Cardinal Archbishop of Agriensis. March 28. — To the metropolitan church of Urbino, he appointed the Reverend James Ghio, of the archdiocese of Genoa, where he was a parish priest in the place commonly called Sori. — To the cathedral church of Thermulae, he appointed the Reverend Roch Caliandro, of the diocese of Urata, where he was a general vicar and a canon theologian of the cathedral church.

[*Latin ed. p. 272*]

Acts of the Apostolic See. - Official Commentary. SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH. I. DECREE. REGULATION OF LIMITS. In order to more easily bring the light of the evangelical truth to the vast and still faithless regions of Tibet, recently, with the consent of the Archbishop of Calcutta, the Reverend Father Peter Giraudeau, titular Bishop of Tiniades and Apostolic Vicar of Tibet, requested that a small region be added to his mission, situated between the borders of the Kingdom of Tibet and the territory in British India called Eastern Bhutan, which was added to said mission by a Decree of July 3, 1883. Furthermore, the matter was proposed at a general meeting held on February 26th of the current year. The Eminent Fathers, after mature deliberation, judged that the region, up to this day belonging to the Archdiocese of Calcutta, should be assigned to the Apostolic Vicariate of Tibet, which, according to the presented geographical chart, is contained to the North by the borders of Tibet, to the East by the region of Bhutan, to the South by the territory called British Bhutan, and finally to the West by the summit of the mountains beyond the Rongpo River, the first summit to the West being called Maphyla, and the last to the North, Gainshari. This opinion of the Most Eminent Fathers was, after hearing the report made to him by the Reverend Father, Secretary of this Sacred Congregation, in his audience of the same

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day, February 26th, approved and confirmed by the Most Holy Lord Pope Pius X, and he ordered that the present Decree be issued concerning this matter. Given at Rome, from the offices of the Sacred Congregation for the Propagation of the Faith, on March 20th, in the year 1912. Fr. H. M. CARD. GOTTI, Prefect. L. & S. C. Laurenti, Secretary.

[*Latin ed. p. 273*]

The Holy Congregation of the Propagation of the Faith. 273 APPOINTMENTS OF BISHOPS. By brief Apostolic letters, the following were appointed:

January 5, 1912. — The Reverend Father Joseph Maria Caro Rodríguez, Apostolic Vicar of Tarapacá, was appointed titular Bishop of Mylasa.

January 16. — The Reverend Father Nicholas Döbrecic, from the city commonly called Cettigne, was appointed Archbishop of Antibarensis (Bar).

February 2. — The Reverend Father Joseph Malleret, from the Congregation of the Holy Spirit, was appointed Bishop of Martinica.

February 17. — The Reverend Father Joseph Felix Blanc, of the Society of Mary, was appointed titular Bishop of Dibon and Apostolic Vicar of Central Oceania.

February 27. — The Reverend Father James Duhig, transferred from the Episcopal See of Rockhampton, was appointed titular Archbishop of Amidensis and Coadjutor with right of succession to the Archbishop of Brisbane.

March 1. — The Reverend Father Ferdinand Terrien, of the Society of Lugdunensi Missionaries for Africans, was appointed titular Bishop of Gordens and Apostolic Vicar of the Coast of Benin in North Africa.

March 4. — The Reverend Father Aloysius Petit, of the Congregation of the Augustinians of the Assumption, was appointed Archbishop of Athens and Apostolic Delegate for Greece.

— The Reverend Father Dominic Darmanin, transferred from the Episcopal See of Syros (and Milos), was appointed Archbishop of Corcyra.

[*Latin ed. p. 274*]

274 Acta Apostolicae Sedis. - Official Commentary. SACRED CONGREGATION FOR THE RITES. DOUBTS. The Bishop of Egitanus submitted the following doubts to the Sacred Congregation for the Rites, for a suitable solution: I. Whether the Decree No. 3096 – by which it is declared that on the twenty-fifth of April, if it falls on a Sunday, in churches where there is only one priest, the Mass with the singing of Supplications, when a procession takes place, is also valid for fulfilling the obligation of the Parish Mass – can be extended to the Mass which is permitted to be sung on the Feast of the Solemn Commemoration of the Most Holy Body of Christ, on the

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Sunday within the Octave of the same, especially when a procession takes place? II. Does the Decree of May 11, 1911, section II – in which it is stated that the organ may be used, in case of necessity, only to accompany and sustain the singing, when the organ is silent when the singing is silent in Offices and Masses in which the sound of the organ is prohibited – always hold true, whether the Gregorian chant or the polyphonic chant is used? And the Sacred Congregation for the Rites, after hearing the opinion of the Liturgical Commission, and upon the report of the undersigned Secretary, decided to respond as follows: To I. Negatively, unless an indult is obtained. To II. Affirmatively. And thus it was written, on March 22, 1912. Fr. S. CARD. MARTINELLI, S. B. C. Prefect. L. © S. f. Petrus La Fontaine, Bishop of Charystien, Secretary. II. DECREE OR DECLARATION CONCERNING NEW RUBRICS. New regulations promulgated by the Holy See having been published, the following doubts were presented to the Sacred Congregation for the Rites, for a suitable solution: I. Since in the new Rubrics, the Suffrage of All Saints is prescribed, in which mention is made of the Titular Saint of the Church, which...

[*Latin ed. p. 275*]

I. The Holy Congregation of Rites asks what is to be done in churches that have, as their title, some mystery of the Lord?

II. Should the suffrage for all the Saints be recited in the Vigil of All Saints, when an Office or commemoration of it is performed in the half-daily Office?

III. Should the verse "Oremus pro Antistite nostro N. cum suo responsorio," recently inserted among the weekday prayers, also be recited by titular bishops, with the pronunciation of the name of the diocesan bishop?

IV. Should the same verse be recited by missionaries, with the pronunciation of the name of the Apostolic Vicar, or Prefect, or Prelate?

V. When, during the weekdays of Lent, the Four Seasons, the Two Rogation days, and in Vigils, in which a greater or lesser, or half-daily, Office occurs, private Masses may be celebrated, according to the disposition of the new rubrics, either on a feast with the commemoration of a weekday or Vigil, or on a weekday or Vigil with the commemoration of a feast; is the third prayer for the diversity of time to be added to this Mass of the weekday or Vigil?

VI. Which Preface should be used in the duplications of the second class that do not have their own proper Preface, when they occur on a minor Sunday and also on the day of the Octave of some feast of the Lord, or of the Blessed Virgin Mary, or of the Apostles?

VII. When the Office of the Second Sunday after Epiphany, according to the norm of the Decree of March 2nd of the current year, is anticipated on January 16th, and if that day also falls within an Octave, should the

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commemoration of that Octave be performed in the Office of that same anticipated Sunday?

VIII. And if so, should the suffrage be added to the Lauds and Preces ad Primam?

IX. When the Office of some Sunday within the week is anticipated, should the weekday Psalms be recited first or second in the Lauds?

X. Should the faculty of adding up to seven prayers to the Mass in simple and weekday celebrations be suppressed by the new rubrics, which exclude the collects when a fourth prayer is held?

XI. If there are two Collects, should both be added after the third prescribed prayer; or only one?

XII. When to certain dioceses, as well as to religious orders or congregations, an Indult has been granted by the Holy See to celebrate certain particular Offices once or several times in a month or in a week, even on each day of the year, except for the more solemn ones, such as the Most Holy Sacrament, the Most Sacred Heart of Jesus, the Blessed Virgin Mary Immaculate, etc., or...

[*Latin ed. p. 276*]

Acts of the Apostolic See. - Official Commentary. 276 Under the semi-double rite, or even under the lesser or greater double rite, so that they appear not as votive offices, but almost as festive ones; it is asked whether these offices are included among the votive offices which are declared to be suppressed by the new rubrics (title VIII, number 1)? And the Sacred Congregation of Rites, after hearing the opinion of the Liturgical Commission, and after carefully considering the matter, decided to respond as follows: To I: Nothing is to be done regarding the title. To II: Negatively. To III: Titular Bishops are not bound. To IV: Negatively, unless the same names are pronounced in the Canon of the Mass, by Apostolic Indult. To V: If the office of the double rite has been recited, negatively; if, however, the semi-double rite, affirmatively. To VI: The Preface that should be said in the Mass of Sunday is to be used. To VII: Affirmatively. To VIII: Negatively. To IX: Affirmatively for the first part, negatively for the second. To X: Negatively. To XI: Affirmatively for the first part, negatively for the second. To XII: Affirmatively. And thus it responded, declared, and ordered to be observed. March 22, 1912. Fr. S. CARD. MARTINELLI, Prefect. L. © S. f Petrus La Fontaine, Bishop of Charystien, Secretary.

[*Latin ed. p. 277*]

The Sacred Roman Rota of Paris. 277. CONCERNING THE NULLITY OF MARRIAGE (MOLLARD-VARIGAULT). During the blessed reign of Pope Pius X, in the ninth year of his pontificate, on January 27, 1912, the Most Reverend and Reverend Fathers Seraphinus Many Ponens, Franciscus Heiner, and Ioannes Prior, Auditors from Tournon, in the case of "Parisian

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Nullity of Marriage," at the request of the Defender of the Bond of Paris, appealing against the sentence of the Parisian Tribunal, between Suzanna Mollard, represented by the Procurator Nazarenus Ferrata, Advocate, and Rogerius Varigault, who, having been duly summoned, never responded, and with the Defender of the Bond intervening and arguing in the case ex officio, delivered the following final sentence:

On September 29, 1902, Suzanna Mollard and Rogerius Varigault contracted marriage before the parish priest of Saint Avertin, in the diocese of Tours, in a place where Suzanna's parents had rented a house, where they were obliged to stay for several weeks each year. In April of the year 1908, Rogerius departed for Liberia in Africa; and when, in the first months of the year 1909, he returned to France, Suzanna, concerned about the health of her husband and after consulting with doctors, refused to resume conjugal life; therefore, Rogerius petitioned the civil tribunal for and obtained a separation. Suzanna, having been informed of the nullity of her marriage due to a defect in the Tridentine form, before the Parisian Tribunal, presented a petition on November 19, 1909, and began proceedings to have her marriage to Rogerius declared null, due to the defect in the Tridentine form; and indeed, the Tribunal rendered a sentence on July 14, 1910, declaring the marriage null. Therefore, the Defender of the Bond of Paris, in fulfillment of his office, appealed this sentence to the Sacred Rota; and here, as is customary, a doubt was raised: Whether the nullity of the marriage is established in this case. The Most Reverend and Reverend Fathers Auditors considered it necessary to respond to this doubt: Affirmative. In law, which was in force at the time when the aforementioned marriage was contracted, it is certain that a marriage is null when it was contracted "otherwise than in the presence of a priest, or another priest with the license of the priest or Ordinary, and with two or three witnesses" (Council of Trent, ACTA, vol. IV, n. 7, 1545-1563).

[*Latin ed. p. 278*]

Acts of the Apostolic See. - Official Commentary. 278, chapter. (cf. I, session 24, Concerning the Reform of Matrimony). By "parish priest" is understood that priest who is the proper pastor of one or the other of the spouses, either by reason of domicile or quasi-domicile; and if either of the spouses is juridically a wanderer, the parish priest of the place where he resides at the time of the marriage contract (omitting all controversy regarding other parish priests) is his proper pastor. Therefore, for the marriage to be valid, the presence of the proper pastor in the aforementioned sense, or of another priest with the permission of the proper pastor or Ordinary, is required. In the case in question, the marriage between Suzanna Mollard and Roger Varigault was celebrated before the Reverend Father AUégret, the parish priest of the place of Saint Avertin, in the diocese of Tours. Furthermore: 1° The parish priest of Saint Avertin was neither the proper pastor of Roger

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Varigault, which is beyond dispute, nor of Suzanna Mollard. 2° No permission was granted for the celebration of this marriage by the proper pastor or Ordinary of either of the spouses. Regarding the first point, namely that the parish priest of "Saint-Avertin" was not the proper pastor of Suzanna, the matter is perfectly clear. At the time of the marriage, namely on September 29, 1902, Suzanna, having been born on September 22, 1880 (cf. the "civil marriage" record), was of age; nevertheless, because she had never ceased to live with her parents, she retained the domicile, which she had acquired by right as a minor, of her parents. Furthermore, her parents had their domicile at Paris, on the street called "d'Aumale," number 16, in the parish of Our Lady of Loreto. Thus testifies Henry Mollard, the father of the plaintiff: "At the time of the marriage, I lived at '16, rue d'Aumale, for about two years.'" Similarly, Mrs. Mollard, the mother of the plaintiff, in her testimony, at 6. This is corroborated by other witnesses, such as Charles Hervé, who was the cook in the Mollard family, in his testimony, at 6; Mrs. Ludovica d'Auzay, at 6, etc. Therefore, Suzanna's domicile was at number 16 on the street called "d'Aumale," in Paris. In addition to this domicile, Suzanna's parents had rented a certain house, called "la Sagerie," in the parish of Saint Avertin, in the diocese of Tours, around the year 1900, where they spent several weeks each year, for the purpose of rural life. Regarding this, the witnesses should be heard. Henry Mollard states: "I had rented in Saint-Avertin, Indre-et-Loire, a property under a lease of three, six, or nine years, which served me as a storage place, while I was looking for a place to put all my furniture. My wife perhaps spent a month each year, or two, in this property. As for me, I would go there to find her, spending perhaps eight to fifteen days in a row there. At the time of the marriage, it may have been two years since..."

[*Latin ed. p. 279*]

The Roman Rota. 279 "I had rented this property. After the marriage, I continued to enjoy 'this property under the same conditions as before, until the time when, having found something that suited me in Nice, I settled there permanently." Thus also, the Lady Mollard: "For St-Avertin, we had rented a house where I would spend the time while my husband was at the camps or maneuvers. I would stay there for about six weeks to two months. We had a lease for three, six, or nine years. After the marriage, we continued to have this dwelling under the same conditions, but we went there less and less." Likewise, the aforementioned Charles Hervé, who always followed his family: "The year of the marriage, Colonel Mollard arrived at St-Avertin the day before the marriage. Lady Mollard had been there for fifteen days or three weeks, with trips to Paris. Colonel Mollard left St-Avertin two or three days after the marriage. Lady Mollard lived in St-Avertin for about a month or six weeks. The General stayed there for no more than fifteen days. The accommodation was quite simple, but the furniture belonged

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to Mr. Mollard." Also, Mr. and Lady Lucas, who knew the place well, for when the Mollard family did not reside in the main house at St-Avertin, they themselves lived in that house, to which the keys had been entrusted. Mr. Lucas said: "At that time (in the year 1900), Mr. Mollard had rented 'the Sagerie,' above St-Avertin, to use it as a storage space. Mr. Mollard told us that this property pleased him, that the prices were affordable, and that he had made it a storage space. In Paris, the apartments are small; he would have had to sell his furniture or rent a place to store it. This is what determined him to rent this country house. He knew very well that his occupations would not allow him to live there for a long time. His wife, as far as I remember, spent no more than two months there each year. I do not know if they had intended to stay there longer. But, instead of going to the seaside resorts, that is where they went for their vacations. Moreover, whether 'the Sagerie' is rented for three months or for a year, the price is the same." Regarding the question: "Do you believe that Mr. and Lady Mollard intended to spend a significant part of the year in St-Avertin?" the response was: "Certainly not; the Colonel's situation did not permit it." And to the question: "For how long did he remain there after the marriage?" the response was: "At least four or five years. I had the keys, and we enjoyed the property when the Mollards were not there." And to the question: "For how long each year did the Mollard family live in this country house?" the response was:

[*Latin ed. p. 280*]

280 Acta Apostolicae Sedis. - Commentarium Officiale. "Quinque aut sex hebdomadas, duos menses vel plus." Ad hanc interrogationem, Domina Lucas respondit: "Quanto tempore per annum la familia Mollard habitabat in illa domo rustica? Quomodo erat illa domus ornata vel 'meublée'?" Respondit: "Verisimiliter, Domina Mollard veniebat duos aut tres dies durante Pascha, sine domestico, et deinde, postea, durante vacationibus, cum familia sua. Illa non manebat nisi paene duos menses, ab hora quinta mensis Iulii usque ad horam vicesimam mensis Septembris. Illa domus serviebat ut locus ad servandam supellectilem. Illi hereditarerunt unum hotel, in via d'Aumale, in Parisiis, quod erat ornatus. Ego arbitror quod illi deposuerunt ibi suam supellectilem, de qua iam non sapebant quid agerent, cum miles quidam reliquerunt Toul ut venirent ad Parisiis." Et ad hanc interrogationem: "An habebant intentionem habitare in St-Avertin?" Respondit: "Ego non arbitror, cum miles quidam semper erant in officio." Et ad hanc: "Scitis quid fuit intentio Domini et Dominae Mollard in locando illam domum? Num considerabant se ibi ut in domo sua?" Respondit: "Illi erant verisimiliter in domo sua, cum locaverant illam domum; sed illa erat domus in qua paene non apparebant. Illi numquam consideraverunt se ibi ut in domo sua, ut ibi amicitias facerent, quamquam illis placebat amicitias habere. Illi dicebant quod maneabant nimis paucis temporibus

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in domo rustica sua; ego et maritus meus, qui habebamus claves, fruimur multo plus quam illi. Durante duobus annis post matrimonium, illi etiam sublocaverunt, durante tempore aestivo, primo ad Anglam aut Americanam, (deinde) ad officium militarem. Tertio anno, non invenientes ad sublocandum, se retraxerunt; alioquin ego hoc arbitror." Sic etiam Domina Ludovica d'Auzay: "Ego non scio ab quanto tempore ille (Henricus Mollard) habebat domum in St-Avertin. Ego scio quod illa domus erat solum in locanda, sed quod mobilia pertinuerunt familiae. Hae dominae veniebant durante vacationibus, et miles quidam non apparebant nisi paene." Hoc genuinum referunt Georgius Varigault, pater rei, in suo interrogatorio, ad 6; Domina Varigault, in suo interrogatorio, ad 6, 7 et 8. "Ex his ergo testationibus haec clare constant: 1. Familia Mollard, anno 1900, locaverat aliquam domum dictam 'la Sagerie', in parochia S. Avertin, dioecesis Turonensis, tum ut ibi supellectilem reponeret, tum ut ibi quotannis per aliquod tempus, rusticationis causa, degeret. 2. De facto, familia Mollard in praedicta domo commorabatur paene hebdomadas quotannis: et quidem Domina Mollard, cum vir eius, relictis Parisiis, ad exercitationes militares (Latine dictas 'manoeuvres'), mense Augusto vel Septembri, proficiscebatur, in domum 'la Sagerie' cum filia Suzanna se conferebat; vir autem, prae-

[*Latin ed. p. 281*]

In the parish of Romana, on the 281st day, she also went there, intending to return to Parisiis around the end of September; thus, the mother and daughter spent approximately six to eight weeks, while the father spent eight to fourteen days each year in the aforementioned house.

Thirdly, a few years later, that is, two or three years after Suzanne's marriage, the Mollard family completely left the house of S. Avertin. Therefore, it is clear that the parish priest of S. Avertin was nothing more than, as it is said, the parish priest of the countryside or rural area. However, everyone knows, and it is established by law, that the parish priest of the countryside is not the proper parish priest with regard to marriage, because, indeed, a residence of two months does not constitute the status of quasi-domicile. This is even more true in this case, because, specifically in the year in which the marriage was celebrated, that is, in the year 1902, the Mollard family stayed in the house of S. Avertin for an even shorter time; indeed, in that year, Suzanne stayed there for only one or two days; after spending several months in Pictaviis, due to her poor health, she arrived at the house of S. Avertin the day before the marriage, and left it the day after the marriage. As she herself said: "I went to St-Avertin during the vacations of 1900 and 1901; in 1902, I only arrived there the day before my wedding, and left the next day." This is confirmed by numerous witnesses. Therefore, it is certainly certain that the parish priest of S. Avertin was not the proper parish priest with regard to the marriage of Suzanne to Roger.

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Nor should it be said that Suzanne, at the time of her marriage, was legally a vagrant, and therefore, at least under this title, the parish priest of S. Avertin was her proper parish priest with regard to the marriage. A legally vagrant person is one who has no domicile or quasi-domicile anywhere. But certainly, at the very time of the marriage, Suzanne maintained a domicile (or, if you will, a quasi-domicile) which her parents fostered in Parisiis. When a minor child acquires, by law, a domicile (or quasi-domicile) of his parents, he does not lose it afterwards, unless it is clearly established that he has definitively renounced this domicile, for example, by acquiring another domicile elsewhere. This principle is beyond dispute; for the status of a vagrant is an extraordinary, odious, and by no means to be presumed state; hence it is written in Roman Law (ff. L. 29, Ad Municipalem, L. I): "It is difficult for anyone to be without a domicile."

Furthermore, there is no evidence that Suzanne, when she left her parents in April of 1902 to go to Pictaviis, completely and intentionally abandoned her parental home: she left her parents, both because of her poor health, and because the family life with her parents had become tedious and burdensome, due to the parents' opposition to her marriage with Roger. But nothing proves that Suzanne left with the intention of not returning; what if she herself, or Roger, or one of their families, broke the marriage agreement? Therefore, also...

[*Latin ed. p. 282*]

282 Acta Apostolicae Sedis. - Official Commentary. According to Roman law, a woman does not lose her domicile in her father's house, unless through the marriage itself being consummated: "She who is betrothed does not change her domicile before the marriage is celebrated" (L. Ea quae, 32, ff., Ad Municipalem, L. I). This is also accepted in Canon Law, because, indeed, as long as the marriage has not been consummated, the betrothal can be lawfully or unlawfully dissolved, and the woman can return to her father's house. Therefore, the domicile which Suzanna, both legally and factually, acquired in her father's house, was not lost except through her marriage, that is, on September 29th of the year 1902. Therefore, before her marriage, she was never a resident elsewhere. We now come to another point: namely, that the parish priest of St. Avertin received no delegation from the parish priests themselves, nor from the Ordinary, concerning the betrothal. Indeed, he did not receive a delegation from the parish priest of Notre-Dame de la Louvière, in Paris, firstly because no mention of a delegation is found in the marriage certificate, secondly because no delegation was requested, and thirdly because the written attestation of the publication of banns did not contain a delegation; thus, Henry Mollard, the father of the actress, who presented this written attestation to the parish priest of St. Avertin, stated: "I can certify that the certificate of publication contained no delegation for Mr. the Parish Priest of St. Avertin." Therefore,

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no one in this attestation saw a delegation, nor did the parish priest of St. Avertin, who made no mention of the matter to the vicar, nor did the vicar, who, however, carefully read all the words and all the details of this attestation, indeed, he scrutinized it; and he noted that a date had been erased, saying: "I pointed out to Mr. the Parish Priest that a date had been erased." Nor did the parish priest of St. Avertin receive a delegation from the parish priest of the bridegroom, that is, from the parish priest of St. James in the town of Castres, in the diocese of Albi, for the reasons already explained above, which apply equally to the parish priest of the bridegroom; therefore, no one ever said or suspected that a delegation had been given by the parish priest of the bridegroom. Nor did the parish priest of St. Avertin receive a delegation from the Ordinary of Paris; for, as it appears from the records, no one went to the Ordinary of Paris to request a delegation concerning the present marriage; indeed, the records of the Officiality of Paris, in which all marriage delegations granted are carefully recorded, contain nothing that refers to the present matter. Therefore, only the Ordinary of Tours remains, from whom the Reverend Denis, who was the Defender of the Bond in the process carried out in Tours, states, in a letter dated March 7, 1910, that a delegation had been granted to the parish priest of St. Avertin in...

[*Latin ed. p. 283*]

The Roman Tribunal. 283, concerning the present marriage; which was also indicated by the Reverend Desprès, who at the time of the marriage was the vicar in the parish of Saint-Avertin; for he states in his written declaration: "My opinion is that Mr. the Curate of Saint-Avertin went to the Archbishopric of Tours, as I well remember that he told me he had done so, in order to ensure he had the right to celebrate the marriage." However, what eliminates all difficulty is that the Archbishop of Tours was not the Ordinary of the parties in relation to the marriage, and therefore he could not delegate a priest to celebrate this marriage. For he was not the Ordinary of the bride; for it has been seen above that the Mollard family did not reside annually in the place of Saint-Avertin except for a few weeks, and for reasons of rural work, and therefore neither the parish priest of Saint-Avertin nor the Ordinary of Tours were competent in relation to the present marriage. Nor was the Archbishop of Tours the Ordinary of the groom: which is easily demonstrated. For: The parents of Varigault, at the time of the marriage, that is, on September 29th of the year 1902, did not have a domicile or quasi-domicile in the Diocese of Tours. Indeed, around the year 1895, they purchased a house in the place called "Royville" in the parish of Gérelles; concerning which house, the Reverend Father Paschal Liot, who was and is the parish priest of Gérelles, stated in his written declaration of February 12th, 1910: "I declared that the Varigaults were my parishioners. About fifteen years ago, they acquired in Gérelles a property, a small castle.

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After having completely furnished it, they installed, in a small house that was part of the property and attached to it, a household to care for and maintain the small property, and also to be at their service, if needed, when they came to Royville. The caretakers and guards are paid annually. The Varigaults, while the General was in active service, only stayed there for a relatively short time each year: one or two months." This is confirmed by George Varigault, the father of the parties, in his interrogation, question 4: "At the time of the marriage, I lived in Cérelles (Indre-et-Loire), on my property in Royville. During my active service, I only stayed for short periods in Royville; since my entry into the reserve (end of the year 1901; cf. interrogation, question 3), I spend an average of five months on my property. In 1902, the year of the marriage, I had to go to Royville around the month of July; I stayed there until after the marriage, the beginning of October. My usual domicile was Paris, on the Rue de Bourgogne, formerly the Rue Madame." To this, Mrs. Varigault, the mother of the parties, adds, in a hesitant and uncertain manner: "At the time of the marriage, September 1902, we were... "

[*Latin ed. p. 284*]

284 Acta Apostolicae Sedis. - Official Commentary. "From Royville, parish of Cérelles. We arrived, I believe, in June or July, and were to depart in November or December. Our residence was in Paris, at 54, rue de Bourgogne. My son resided in Castres, where he was a lieutenant in the artillery regiment since 1900." From then until the end of the year 1901, the Varigault family did not reside annually in the Royville house for more than two months, as we see from the testimonies of Rémi Liot, the parish priest of Cérelles ("The Varigaults, the general being in active service, came each year only for a relatively short time; one or two months"), and of Georges Varigault ("During my active service, I only made short stays at Royville"), and it is also concluded from the very nature of the situation; since Georges Varigault was actively serving ("in active service") until the end of the year 1901, he could not reside in the Royville house for any length of time; and, even if he had wished to, he could not have prolonged that time, given his military duties and obligations; therefore, until the end of the year 1901, the Varigault family only made brief stays ("made only short stays") in the Royville house, for leisure or vacation purposes, and therefore the parish priest of the place of Cérelles was only a parish priest for occasional visits or vacations, as we said above concerning the parish priest of Saint Avertin. In the year of the marriage, that is, in the year 1902, Georges Varigault remained in the Royville house for a somewhat longer period, namely for three or four months, as he himself states; indeed, the testimony of Madame Varigault, which is expressed in a hesitant and uncertain manner, should be understood in the sense asserted and declared by her husband; moreover, the very manner of speaking, hesitant

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and uncertain, clearly shows that Madame Varigault did not have a firm intention of residing in the Royville house for a significant part of the year; therefore, even in this year 1902, the Varigault family did not have a domicile or quasi-domicile in the parish of Cérelles. Later, perhaps, that is, in the years 1903 and following, Georges Varigault, in the parish of Cérelles, in which he then began to live for a longer period, may have acquired another canonical domicile, distinct from the Parisian domicile, in accordance with chapter Cum quis, § De Sepulturis, in VI; but, whatever may be the case with this question, which remains outside the scope of the present matter, he had not yet acquired this other domicile in the years 1901 and 1902; therefore, at the time of the marriage, the parents of Roger Varigault had no domicile or quasi-domicile in the diocese of Tours. And if perhaps some doubt remains for the year 1902, this doubt is fully and abundantly resolved by the observations that follow immediately. 2° Even if the parents of Roger Varigault had a domicile or quasi-domicile in the parish of Cérelles at the time of the marriage, nevertheless, this would not have been sufficient for the Archbishop of Tours to declare...

[*Latin ed. p. 285*]

Saint Bonaventure, Book 2, Chapter 285: Concerning the domicile of the betrothed in relation to marriage. For, what must be noted with the greatest care is that Roger Varigault, at that time, namely in the year 1902, could in no way be considered a resident of the domicile that his parents might have had in the parish of Gérelles; for he was of age (being thirty years old, having been born on March 18, 1872), and he maintained his own domicile in the town of Castres, in the diocese of Albi, where, since the year 1900, he resided as a military officer in the French army ("lieutenant au 3 artillerie"). Nor should it be said that children, even those who have reached their majority, retain the domicile of their parents until it is clearly established that they have relinquished it, as we said above concerning Suzanna; for this is true of the paternal domicile which the children have already acquired, or by force of law which assigns the paternal domicile to minor children, or by fact, that is, by actually living with their parents; for if they have not, in any way, neither by law nor by fact, acquired the paternal domicile, how could they retain it? For it is necessary to acquire before one can retain. To explain this better, let us suppose a son who, as a minor, acquired the paternal domicile; this son, even after becoming of age, retains the domicile of his parents, and does not lose it, unless it is clearly established that he has renounced this domicile. But, if, while the son is of age and absent, his parents acquire another domicile (we speak of another, or new, domicile which the son has not yet acquired), it is certain that this new domicile of the parents does not pass to this son who is of age and absent; for how could it pass? Not by law, which only applies to minors; not by the fact of the parents, which, by itself, cannot establish nor

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can it establish the domicile of the parents; nor is there any legal fiction that would extend the act of the parents to the son; therefore, unless the son, by his own act, makes the new domicile of the parents his own, he will never acquire it. And this is the case of Roger. For, while he was of age (that is, in the year 1902, when he was thirty years old) and absent (that is, residing in the town of Castres, where he had at least a quasi-domicile), his parents acquired (according to the hypothesis made, which, as we have seen, is very doubtful) a domicile or quasi-domicile in the place of Cérelles. But this domicile or quasi-domicile does not pass to the son, Roger; it does not pass by law, because Roger is of age; it does not pass solely by the act of the parents, as we have said; it does not pass by the act of Roger, who at that time was actively serving in the town of Castres, nor could he reside in the place of Cérelles except for a short time, as we said above concerning his father, George, while he was actively serving. The act by which a son of age can acquire the domicile of his parents is that very act by which any citizen can acquire a domicile or quasi-domicile, namely, habitation and the placing of property in a certain place with the intention of remaining there permanently, if it is the case that...

[*Latin ed. p. 286*]

Acts of the Apostolic See. - Official Commentary. 286 concerning domicile, or for a significant portion of the year, if we speak of quasi-domicile. Furthermore, not only is it not demonstrated in the records that Roger had such a domicile, but rather it is excluded; for the documents and witnesses present Roger, in the year of the marriage, namely in the year 1902, as residing, living, "domiciled," in the town of Castres; indeed, the marriage certificate states: "Roger Varigault,... of the parish of St-Jacques de Villegoutanà "Castres""; the civil marriage certificate: "Roger Varigault, domiciled in Cas"tres""; the witness Suzanna Mollard states: "My fiancé then resided in "Castres, where he was stationed"; the witness Henry Mollard: "The future "husband was then stationed in Castres"; the witness Dña Mollard: "The future "husband was stationed in Castres"; the witness Dña Varigault: "My son "resided in Castres, where he was a lieutenant in the artillery regiment since 1900"; the witness Charles Hercé: "The fiancé, who was, as I said, an artillery "officer, lived in Castres"; the witness Rñdus Liot, parish priest of Cérelles: "He was an "officer in the naval artillery, if I am not mistaken; he came from time to time to the château of Royville." Therefore, in the year of the marriage, Roger truly and certainly had at least a quasi-domicile in the town of Castres, and he did not come to the house of Royville except at rare intervals, and for a very short time. Therefore, as we also said above concerning his father, Roger Varigault, in the years 1900, 1901, and 1902, even if he had wished to, could not have had a domicile or quasi-domicile in the parish of Cérelles; for by virtue of the laws that govern military status in France, especially for officers, such as Roger ("lieutenant au 3 artillerie"),

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soldiers, especially officers, must have a domicile (or, if you will, a quasi-domicile) in the place where they reside; from which they cannot be absent, for reasons of leave or temporary duty, for more than a few weeks. Therefore, even if the parents of Roger Varigault had a domicile or quasi-domicile in the parish of Cérelles, certainly Roger was not a participant in that domicile or quasi-domicile. Therefore, although the Archbishop of Tours was the Ordinary of the parents, certainly he was not the Ordinary of the betrothed. And these things are clear and certain, and they cannot be destroyed or diminished by any further questioning of witnesses; for although it may be conceded that from new testimonies it may be possible to demonstrate some quasi-domicile of the Varigault parents in the place of Cérelles, nothing would follow from this concerning the competence of the Ordinary of Tours with regard to the present marriage; for these things always remain firm, namely that Roger Varigault, in the year of the marriage, was not a participant in the parental domicile or quasi-domicile, and that he himself had his own necessary domicile or quasi-domicile in the town of Castres. And these things are sufficient and more than sufficient, so that it can and should be declared and defined immediately and without any further investigation or questioning.

[*Latin ed. p. 287*]

The Roman Rota, 287. Incompetence of the Ordinary of Tours with regard to the present marriage. For, according to the principle: "That which is proven, if it does not 'avail,' is proven in vain," any further questioning of witnesses in the present matter is futile and useless, and therefore the proceedings may and should proceed immediately to a final judgment. Furthermore, for the sake of abundance of law, it must be stated that this very delegation, which Rudi Denis and Desprès claim was granted by the Ordinary of Tours to the parish priest of St. Avertin, has not been demonstrated to have been granted with any probable argument. Indeed, the entire force of their argument rests on these words, which Rudi Desprès reports having heard from the parish priest, now deceased, of St. Avertin: "It has been thirty years since I have been at St-Avertin; I know what I have to do; I 'went to the archbishopric'." However, from these words, it is not certainly nor probably demonstrated that the delegation was granted; for the parish priest of St. Avertin could have gone to the archbishop's offices for a completely different reason, e.g., to inquire about the legitimacy of the banns published in Paris and Castres eight months ago (for, according to the statutes of many dioceses, publication of banns so ancient is considered to have no significance), or even to inquire about the necessity of publishing the banns even in the parish of St. Avertin. Therefore, from the aforementioned words of the parish priest, there is no strong probability of a delegation having been granted. And this is all the more to be said, because no mention of this delegation was made in the marriage document;

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indeed, that parish priest, instructed by thirty years of experience, and, as he himself said, aware of his duties, would certainly not have omitted to mention it (if the delegation had actually been granted). Nor can it be said that the vicarious, and not the parish priest, wrote the marriage document; for at least the parish priest signed the document, and therefore assumed the responsibility for the matters contained therein, or omitted therein. Therefore, in summary, the parish priest of St. Avertin received no delegation whatsoever from the competent parish priest or Ordinary to celebrate the marriage in question; and since, as has been proven above, he was not the proper parish priest of either of the spouses, the marriage is null due to a defect in form according to the Council of Trent. Having considered and diligently pondered all of the above, invoking the name of Christ, We, the undersigned Auditors, sitting for the Tribunal and having only God before our eyes, confirming the judgment of the Archdiocesan Court of Paris, do hereby decide, declare, and definitively pronounce: That the marriage between Suzanna Mollard and Bogerius Varigault is null, and thus we answer the proposed question with: Affirmative; furthermore, We order that the same Suzanna Mollard be held liable for all the expenses of the judgment.

[*Latin ed. p. 288*]

288 Acta Apostolicae Sedis. - Official Commentary. Thus we pronounce, commanding the Ordinaries of the places and the ministers of the Tribunals to whom this pertains, that they should order the execution of this our definitive sentence, and against those who resist, they should proceed according to the norms of the sacred canons, and especially chapter 3, session 25, concerning Reform, of the Council of Trent, employing the executive and coercive means which will be more effective and appropriate for the circumstances. January 27, 1912. Seraphinus Many, Prefect. Franciscus Heiner. Ioannes Prior. Reverend Father Tani, Notary. ANDRIEN. RESTITUTION IN INTEGRUM REGARDING THE ARCHPRIESTLY BENEFICE. For a long time, in the cathedral church of Andrien, a dispute had been ongoing between the Chapter and the Archpriest concerning the interpretation of the decree "Ad dirimendas," issued by the Sacred Congregation, by which the administration of the goods of the cathedral and parish churches, which had been confiscated by the Fiscal authorities in Italy due to the law concerning ecclesiastical property, was regulated. After various and prolonged vicissitudes of this dispute, the Sacred Congregation, confirming its previous decisions, ruled: "The Archpriest is to remain in possession and administration of the goods confiscated by the Fiscal authorities, and is also to pay a certain sum to the Chapter." Since, however, in this sentence, the portion or share pertaining to the Archpriest in the cathedral Chapter did not appear to be clearly designated, and therefore was to be separated from the parish share, the aforementioned Chapter again peti-

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tioned the Sacred Congregation, which, in a plenary session on April 30, 1904, definitively responded: "In the decisions and in accordance with the aforementioned, and furthermore..." The Sacred Congregation also made it clear that all other provisions were to remain in force. Thus, the case passed into judgment; and therefore, it was considered that nothing remained for the Chapter except to acquiesce in the issued sentence. However, the matter did not...

[*Latin ed. p. 289*]

By Apostolic Signatura. 289, matters proceeded as follows. Indeed, at the beginning of the year 1909, after the death of the Archpriest Quacquarelli, against whom a cause had been introduced before the Most Holy Congregation, the Chapter, presenting new alleged documents, petitioned the same Congregation that the question concerning the merits be brought up for discussion again, and that, in the case in which the Most Holy Congregation should deny said petition, the matter be examined, in due order, either before the Tribunal of the Holy Rota, or, under the title of restitution in integrum, before the Supreme Tribunal of the Apostolic Signatura. Therefore, the Defender of the Bond, by order of the Most Holy Congregation, appointed from the Ordinary of Andrien, to safeguard the rights of the vacant parish, exhibited his observations, from which arose a doubt concerning the juridical value of the documents presented by the Chapter, asserting that those documents had been discovered only after the cause had passed into judgment. Wherefore, the Most Eminent Cardinal Prefect of the Most Holy Congregation, in the hearing of August 24, 1910, humbly supplicated the Most Holy [Father], that he would deign to: 1) remit the question of restitution in integrum to the Supreme Tribunal of the Apostolic Signatura; 2) order that provision be made for the vacant parish, always reserving the decision of the aforementioned Tribunal. Indeed, at that time, the Ordinary of Andrien provided for the vacant parish in the person of the Reverend Father Felice Pomo, and then, before this Supreme Tribunal of the Apostolic Signatura, the cause of Andrien - concerning restitution in integrum regarding the granting of the archpriestal office of the Pontifical Commission - began to be examined and treated. However, after almost a full year had passed, the Bishop of Andrien informed this Supreme Tribunal by letter that no further place could be made for the intended cause, because, through an Act of the Chapter, duly completed with the consent of the parties, of which an authentic copy was sent along with the letter, the Chapter and the newly appointed Archpriest of the cathedral of Andrien had amicably resolved the long-standing dispute. Concerning which matter, the Most Eminent Cardinal Prefect of the Supreme Apostolic Signatura Tribunal reported to the Most Holy Father, Pope Pius X, in the hearing of February 7 of the current year, 1912, and the Supreme Pontiff, having deigned to approve and ratify the aforementioned Act of

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the Chapter, by His Apostolic Authority, of August 7, 1911, in which the agreement between the parties in dispute was initiated and signed, at the same time commanding that any action of the cathedral Chapter against the aforementioned Canon Archpriest be declared perempted by force of this agreement, and that the parties, who have long contended, namely the Canons and the Archpriest for the time being, be entirely bound by the same agreement. Concerning all and each of these matters, the Most Eminent Lord Vincent Cardinal Vannutelli, Prefect of this Supreme Tribunal of the Apostolic Signatura, decreed this by the following Act, in the office of the Notary.

[*Latin ed. p. 290*]

Acts of the Apostolic See. - Official Commentary. 290, ordered to be processed and expedited, with the formalities and clauses which, by law, are required, and in accordance with the norms of Proper Law. Given in Rome, from the offices of the Holy See, on the twentieth day of the month of February, in the year 1912. Nicholas Marini, from the Secretariat. L. % S. Joseph [adv.] Fornari, Holy See. A DIARY OF THE ROMAN CURIA. HOLY CONGREGATION OF RITES. ORDINARY PARTICULAR CONGREGATION. On the 26th of March, 1912, in the Apostolic Palace at the Vatican, the Ordinary Particular Congregation of the Holy Rites was held, in which the following causes were presented for the judgment of the Most Eminent and Reverend Lords Cardinals who comprise the same: I. Concerning the cult, in obedience to the decrees of Urban VIII, which has not yet been rendered to the Venerable Servant of God, Placido Baccher, Secular Priest of the Third Order of St. Dominic, Rector of the ancient Church of the Most Holy Name of Jesus in Naples; II. Concerning the validity and significance of the Apostolic Process constructed in Rome, based on the reputation of the sanctity of life, of virtues, and of miracles in general, of the Venerable Servant of God, Mary De-Mattias, Foundress of the Sisters of the Precious Blood; III. Concerning the validity of the Apostolic Process constructed in the Curia of Orléans, concerning three miracles which are asserted to have been wrought by God through the intercession of the Blessed Joan of Arc; and finally, IV. Concerning the validity of the Apostolic and Ordinary Processes constructed for the Cause of Beatification and Canonization of the Venerable Servant of God, Peter Bardesio, Lay Brother of the Order of Friars Minor. SECRETARY OF STATE. BY ORDER. With letters from the Secretary of State, the Holy Father deigned to appoint: On the 29th of March, 1912. — The Most Eminent Cardinal Diomede Falconio, Protector of the Institute of Franciscan Missionary Sisters, having their Mother House in Cordoba (Republic of Argentina).

[*Latin ed. p. 291*]

Diary of the Roman Curia. April 6th. — The Reverend Father Peter

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Benedetti, of the Congregation of the Missionaries of the Most Sacred Heart of Jesus, Director of the official bulletin, "Acta Apostolicae Sedis," with letters and briefs from the Secretariat of State, the Holy Father deigned to appoint: Assistant to the Papal Throne: March 21, 1912. — Monsignor Alfonso Archi, Bishop of Como. Apostolic Protonotary, as if among those participating: March 28, 1912. — Monsignor Giuseppe Antonio Roca, Canon of the Cathedral of Lima. Prelates of the Domestic Clergy of His Holiness: March 6, 1912. — The Reverend Father Nicola Pusino, of the Diocese of Boiano. March 22nd. — The Reverend Canon Father Giorgio Wagner, formerly Vicar General of the Archdiocese of Bamberg. March 23rd. — Monsignor Stefano Révész, of the Diocese of Vacia. March 27th. — The Reverend Father Giovanni Mauro, Canon, Archpriest-Parish Priest of the Metropolitan Church of Udine. March 29th. — The Reverend Father Giacomo Edoardo Cassidy, Vicar General of the Diocese of Fall-River. HONORS. With letters and briefs from the Secretariat of State, the Holy Father deigned to bestow the following honors: The Order of Saint Sylvester, Pope, Commander: March 21, 1912. — To Mr. Doctor Pietro Neri, of Rome. March 27th. — To Mr. Anthony Cristiano Maria Koedijk, treasurer of the Society of the Divine Redeemer in Amsterdam. The Order of Saint Gregory the Great, civil class, Knight: March 23, 1912. — To Mr. Gaston Mercier, of the Diocese of Liegi. The Order of Saint Sylvester, Pope, Knight: March 20, 1912. — To Mr. James Brennan, of the Diocese of Perth in Australia. — To Mr. James Daniel Connolly, of the same diocese. — To Mr. Daniel Kenny, of the same diocese. March 28th. — To Mr. Luigi Bugarini, of Rome.

[*Latin ed. p. 292*]

292 Acta Apostolicae Sedis. - Official Commentary. By means of tickets from the Secretariat of State, the Holy Father deigned to appoint:

Extraordinary Secret Chamberlains of His Holiness:

January 27, 1912. — Monsignor Alfonso Terzi, of the archdiocese of Bologna.

February 1. — Monsignor Giuseppe Migone, of the archdiocese of Genoa.

March 20. — Monsignor Giuseppe Marazzi, of the diocese of Albano.

March 27. — Monsignor Vittore Del Pavero, of the diocese of Belluno.

— Monsignor Emilio Bongiorni, of the diocese of Brzesc.

— Monsignor Emilio Callocchia, Chaplain of the Pontifical Gendarmerie.

April 1. — Monsignor Francesco Albert, of the diocese of Leitmeritz.

— Monsignor Giuseppe Funk, of the diocese of Leitmeritz.

Honorary Chamberlains of His Holiness in purple cassock:

March 20, 1912. — Monsignor Pietro Bonnin, of the diocese of Autun.

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March 27. — Monsignor Anthony Nicolò, Archivist of the Sacred Congregation of the Sacraments.

April 3. — Monsignor Angelo Ruspini, of the archdiocese of Zagreb.

— Monsignor Valentino Cebusnik, of the same diocese.

— Monsignor Giovanni Borkovic, of the same diocese.

— Monsignor Stefano Korenic, of the same diocese.

— Monsignor Mattia Prostenik, of the same diocese.

Honorary Chamberlains beyond the City:

March 1912. — Monsignor Felice Forgione, of the diocese of Avellino.

April. — Monsignor Edgardo Vauquelin, of the diocese of Moulins.

Extraordinary Chamberlain of Sword and Mantle:

March 26, 1912. — Mr. Edoardo Papin, of the archdiocese of St. Louis in the United States of America.

[*Latin ed. p. 293*]

Year IV. - Vol. IV. April 30, 1912. No. 8 ACTA A. P. (™ C A E 1 EDIS) OFFICIAL COMMENTARY ACTA PII PP. X. APOSTOLIC LETTERS. The Brotherhood of Our Lady of the Most Sacred Heart of Jesus, canonically established in the Temple of the Missionaries of the Most Sacred Hearts in the city of QUEBECENSIS, is erected as a primary brotherhood with the faculty of extending throughout the entire territory of CANADA. PIUS PP. X. For the perpetual memory of this event. — Throughout the entire Canadian region, as we have learned, the cult of the Most Blessed Virgin Mary, invoked by the name of Our Lady of the Most Sacred Heart, has spread and become manifest, and her image has appeared for public veneration in many of the churches of the parishes. Moreover, when, in the year 1900, the Society of Priests, commonly known as the Missionaries of the Most Sacred Heart of Jesus, established a home for itself in that nation, the cult itself began to grow, favored by the Sacred Pastors. For, among other diligent endeavors of that learned Society, the Annals of Our Lady began to be published; and these commentaries, recounting each month the benefits which the Most Blessed Virgin is accustomed to bestow upon those who turn to her, have been seen to foster and nourish piety so much that, year after year, the number of those who desire to be enrolled in the principal Arch-Brotherhood has increased greatly. Finally, the venerable Father Ludovicus Nazarius Bégin, Archbishop of Quebecensis, by his counsel and authority, brought it about that, in the city, the capital of the Archdiocese, a beautiful temple of the B. M. V. was erected, with a suitable staff, under the care of the aforementioned priests, and that the Brotherhood of Our Lady was duly established there, according to the ACTA. vol. IV, no. 8 —

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30-4-1912. 21

[*Latin ed. p. 294*]

Acta Apostolicae Sedis. - Official Commentary. We entrust this to the administration. Indeed, when the present Superior of the Missionaries of the Most Sacred Heart, residing in the province of Quebec, earnestly requested, through our prayers, that We recognize that confraternity with the dignity of a primary [confraternity], We, believing that this could greatly benefit souls, and with the help of the Mother of God, having considered such requests, heavily supported by the venerable Brother himself, we judged it necessary to readily and willingly grant them. Therefore, We, by these letters, with Our Apostolic authority, canonically establish and erect the confraternity under the title of Our Lady of the Most Sacred Heart, located in the church of the Missionaries of the Most Sacred Heart in the province of Quebec, as a primary [confraternity], permanently, with all the privileges that rightfully belong to primary [confraternities]. To the moderators and officials, present and future, of this primary [confraternity] thus erected by Us, We grant that they, observing the form of the Constitution of Pope Clement VIII, Our predecessor of blessed memory, and other Apostolic ordinances issued above, may rightfully incorporate and associate with themselves, and communicate to them perpetually, all and singular indulgences and spiritual graces that can be granted, which have been granted to the same primary [confraternity] by the Apostolic See: decreeing that these Our letters shall always exist and be valid and effective, and shall fully produce and obtain their intended effects, and that those to whom they pertain, or who may pertain to them in the future, shall fully benefit from them, so that they should be judged and decided upon by any ordinary and delegated judges, and that they shall be null and void if, by anyone, knowingly or unknowingly, anything should happen to be attempted in opposition to them, contrary to all other Constitutions and Apostolic ordinances, which, although deserving of special and individual mention and derogation, are contrary to them. Given at Rome, at St. Peter's, under the Fisherman's ring, on the twenty-fifth day of March, in the year 1912, in the ninth year of Our pontificate. L. S. R. CARD. MERRY DEL VAL, Secretary of State.

[*Latin ed. p. 295*]

Acts of Pope Pius X, 295. LETTER TO THE REVEREND FATHER DOM ANTONIO ADULPHO PEREZ, BISHOP OF SAINT SALVATOR IN AMERICA, AFTER THE HAPPY CELEBRATION OF THE FIRST CONVENEING OF THE DIOCESE'S CATHOLICS. Venerable Brother, greetings and the apostolic blessing. We were pleased to receive news from the Apostolic Delegate concerning the first convening of this Catholic diocese, held recently in that city, and which was also favored by those who administer

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the Salvatorian republic. Having examined the details of the proceedings, in addition to the Eucharistic celebrations, of which we are greatly pleased, we noted that certain resolutions and requests of the convening itself are supremely suited to fostering popular piety. We urge, again and again, the clergy and other faithful to put these into practice, emphasizing the benefits that, by the grace of God, we confidently expect will result from them. As for the study of matters pertaining to the preservation of public prosperity, it is fitting that Catholic men should be prepared for every good work, as the Apostle says, and should set an example to others of right and effective conduct, which, indeed, never deviates from the laws of justice and charity. If due honor is lacking in these virtues, if the repeated instructions and warnings of the Apostolic See in this matter are not religiously observed, then certainly nothing of lasting and solid utility will ever be accomplished. May the Apostolic blessing, a testament to Our benevolence and an anticipation of divine benefits, be upon you, venerable Brother, upon the highest leaders of this Catholic Republic, and upon all who attended the convening, which We impart to you wholeheartedly in the Lord. Given in Rome, at Saint Peter's, on this twentieth day of April, in the ninth year of Our pontificate. PIUS PP. X.

[*Latin ed. p. 296*]

296 Acta Apostolicae Sedis. - Official Commentary. THE HOLY CONGREGATION OF THE COUNCIL OF BRESCIA AND OTHER PAROCHIAL ASSEMBLIES. The present controversy, which is by no means of slight importance, concerns a certain regulation for parochial assemblies, approved by the bishops of the ecclesiastical province of Milan in a bishops' conference held in the month of September of the year 1896 in the town of Groppello in the diocese of Vigevano, which is commonly known as the "Regulation for Competitions for Parishes in the Lombard Province." In order that the state of the question may be clear, I consider it opportune to briefly explain its origin, as well as to transcribe the provisions of the aforementioned law or regulation. Five candidates on January 21, 1910, presented favorable testimonials regarding their knowledge and piety for the vacant parish of Saint Agatha in the city of Brescia, but unfavorable testimonials regarding their suitability; and therefore, as being unsuitable for governing said parish, all were rejected by the examiners. The judgment of the examiners was appealed on May 19, 1910, before this Holy Congregation by Father Anthony De Toni, a parish priest of the place of Gardone Valtrompia, one of the candidates, urging that the same Holy Congregation would not disdain to pronounce a definitive judgment. It should be noted that the priest who is appealing is not contesting the method of conducting competitions in the dioceses of the Province of Milan, but only the judgment of the examiners concerning the competition for Saint Agatha, which was unfavorable to him. In a letter

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of June 7 of the following year, after receiving information from the Bishop of Brescia, I informed him that the judgment of suitability does not pertain to the synodal examiners, but to the bishop. Then, on June 11, the Bishop explained the nature of the judgment of suitability to the examiners in the ecclesiastical province of Milan: "According to the Council of Trent, which desires that the Bishop choose from among those who have been judged 'suitable in age, morals, doctrine, prudence, and in other things necessary for governing the vacant church,' the Regulation for competitions in the ecclesiastical province of Lombardy (compiled and approved in our bishops' conferences of 1896) imposes upon the Bishops that, concerning each of the candidates, already approved for their knowledge, they inquire of the examiners whether they judge him to be..."

[*Latin ed. p. 297*]

Sacred Congregation of Councils, 297: "Whether or not [a candidate] is suitable for each of the parishes to which he aspires, posing to each candidate the following question: 'Do they believe that the Reverend, considering the classification he has obtained in knowledge, his conduct and prudence, as well as the services he has rendered thus far to the Church, and the reputation he enjoys in the diocese, is, with regard to character, physical robustness, and activity, suitable for the appropriate parish?' And this is the vote that we call 'of suitability,' which evidently belongs to the synodal examiners, because their judgment of the knowledge and merits of the candidates must not be abstract and general, but concrete and particular with regard to that specific parish. It has therefore happened that while all the candidates for S. Agata were approved with regard to knowledge and piety in general, and indeed some were judged suitable for some other parish, none were judged suitable for S. Agata. And consequently, I was unable to appoint anyone."

The Bishop, having received the response that the judgment of suitability should not exceed the limits of the council, further clarified the matter by stating: "They [the examiners] do not intend to judge the greater or lesser suitability of a person for a particular parish, but simply of suitability; so that, in their opinion, and in the practice of this ecclesiastical province, the vote of suitability concerns precisely the essential elements of suitability for the vacant parish indicated by the Council of Trent (prudentia et aliis rebus opportunis) and by our Regulations (prudence, reputation, robustness, activity, etc.); and he who does not receive a favorable vote in this regard is thereby judged unfit to govern the vacant church, and the Bishop cannot appoint him. In the particular case, I asked the examiners to freely tell me whether they had judged the De Toni to be suitable or not for the parish of S. Agata, and here is their combined response."

The tenor of the declaration of the examiners, about which the Bishop speaks, is as follows: "We, the undersigned, declare that the vote of suitabil-

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ity that we are invited to give after that of knowledge and piety regarding each candidate, truly and substantially concerns the suitability of the candidate for the vacant parish, especially with regard to the practical criterion, the correctness and gravity of morals, and all those moral elements from which his aptitude to govern the parish is evident; so that, when he does not reach the required standard, whether the vote in knowledge, or the vote in piety, or even the vote in suitability, the candidate is not eligible. Thus we have always understood it in conscience, and precisely..."

[*Latin ed. p. 298*]

298 Acta Apostolicae Sedis. - Official Commentary. "Thus we have understood and practiced, even in the competition for the parish of 'S. Agata.' The Archbishop of Milan, whose opinion I had requested in writing on August 20, 1910, and whom I had prudently informed of my intention to submit the matter to the judgment of the Most Reverend Fathers, expressed his views in a letter dated August 30, as follows: "I transmit to Your Eminence the excerpt from the Regulations concerning competitions for benefices in this ecclesiastical province, which pertains to the judgment of the knowledge and suitability of the candidates. In this diocese, this Regulation has been strictly observed for 14 years; it is known to the clergy, who consider it in conformity with the Council of Trent and with subsequent constitutions of the Holy See; and there has not been a single case of objections to the legitimacy of the appointments, which, as far as I know, have exceeded 500 in number. To my knowledge, the same Regulation is also observed in the other dioceses of this Province: I am certain of the dioceses of Pavia, Lodi, Como, Crema, and Mantua; I am not so certain about Cremona, but I have no information to the contrary. The case of Brescia is not new to me, and, in my opinion, it is a matter of words, since instead of 'suitability,' they use the term 'opportunity.' When the elements of prudence, character, and physical health are considered in relation to the conditions of the vacant parish, it seems to me that it is rather incorrect to simply say 'opportunity,' and that it is a matter of 'suitability,' on which the examiners must pronounce. The voting on piety, after that on knowledge, is new to me; it is not used here, but, where it is used, it certainly does not exhaust the task of the examiners; who, if they are then called upon to judge the candidates on other qualities after knowledge and piety, this third judgment still concerns suitability, even if it is called 'opportunity,' without lacking learned and saintly priests, but not at all suitable to govern parishes."

Copies of the norm (Regulation) approved by the bishops of the ecclesiastical province of Milan in 1896 were sent by both the Most Reverend Archbishop and the Bishop of Brescia. From this, I transcribe the part that pertains to the present controversy: "After the judgment concerning the knowledge of the candidates has been completed, it is necessary, as Bene-

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dict XIV decreed, "that the examiners apply, if possible, even greater diligence in examining other qualities conducive to the care of souls: they should inquire into the honesty of morals, gravity, prudence, the services rendered to the Church, the praise acquired in other duties, and other visible ornaments of virtue closely associated with the bond of doctrine."

The good conduct, the ecclesiastical spirit, and prudence must, therefore, in...

[*Latin ed. p. 299*]

Sacred Congregation of Councils, 299: "A parish priest must be closely bound to knowledge, and therefore, according to the decisions of canon law, the definitive judgment on the suitability or unsuitability of a candidate to be a parish priest must be a joint or cumulative assessment of all three elements, namely, knowledge, priestly conduct, and the suitability to govern a particular parish; and consequently, the classifications regarding knowledge must be integrated with those regarding the candidate's life and other moral qualities. Furthermore, for the greater freedom of the examiners, it is advisable that, even when judging the candidate from this second aspect, the utmost possible secrecy be maintained.

Therefore, for the service of the examiners in the second part of the examination, six small, identical balls and a box with two compartments, as commonly used for secret ballots, shall be prepared, and two balls shall be given to each examiner.

Then, the Most Reverend Bishop or the Chancellor shall ask each of the candidates the following question: "Do they believe that the Reverend, considering the two classifications (overall and preliminary) that he obtained in knowledge, and together with his priestly conduct, his prudence, and his physical qualities that they know, is suitable to be a parish priest?"

Each examiner shall secretly respond, placing a ball, according to their judgment before God, on either the side representing the affirmative answer or the side representing the negative answer; and those shall be considered suitable who receive at least two favorable votes, and unsuitable those who receive none, or only one.

Having done this, the Most Reverend Bishop, regarding each of the candidates who has been deemed suitable by the response to the previous question, shall ask the examiners whether they consider him suitable for each of the parishes, that is, he shall ask them for each candidate the following question: "Do they believe that the Reverend, considering his classification that he obtained in knowledge, his conduct and prudence, as well as the services that he has rendered to the Church thus far, and the reputation that he enjoys in the diocese, is, with regard to character, physical robustness, and the activity required for the parish, suitable for it?" However, when referring only to parishes of ordinary condition and of the lowest

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importance in the diocese, the second question may be omitted, since in such cases the answer to the second question is already contained in the answer to the first."

In the Curia of Milan, some modifications, not substantial, of these dispositions have been adopted, as follows:

[*Latin ed. p. 300*]

"To each of the examiners are given two balls, one white and one black, and a cumulative vote is held to judge whether each of the candidates, taking into account the classifications they received in knowledge, conduct, prudence, and physical qualities, is suitable to be a parish priest. Each examiner must secretly, before God, place the white or black ball in the urn, and those candidates who receive at least two white balls shall be considered suitable. After this absolute vote, a relative vote should be held on each candidate, that is, whether they are considered suitable and appropriate for the parish N.; however, most of the time, the totality of circumstances renders this second vote superfluous."

In the diocese of Brixiensi, as is evident from the reports, the examiners conduct a threefold, distinct examination for each candidate regarding knowledge, piety, and suitability. The Bishop reports on the method of calculating the votes as follows: "As is currently practiced in schools, the classification is given in decimal numbers. Each examiner has ten votes; the sum of the votes given to each candidate is divided by three, and in order for a candidate to be approved, they must exceed five. Thus, for example, if Titius receives 7 votes from one examiner, 6 from another, and 5 from a third, he receives a final grade of 6, and is approved for that part."

Since Reverend Anthony De Toni, in a declaration dated February 1st of the current year, has withdrawn his appeal, and the parish of Saint Agatha, having held a new competition last November, is now provided with a new pastor, to whom, due to special circumstances, it was granted on February 9, 1911, to receive possession of the benefits, the subject of the matter remains only the norm introduced by the Bishops of the province of Mediolanensis in the year 1896, in that part in which it is required that a threefold examination, and an absolute and relative judgment, or judgment of suitability, be performed by the examiners regarding the candidates. It must be determined whether this is in accordance with the Council of Trent and subsequent Pontifical Constitutions regarding the collation of parish benefices. If it should be petitioned for the healing and validation of the collations of parishes from the year 1896 until the present, the collation of the parish of Saint Agatha will not be excluded.

A learned consultant of this Sacred Congregation has written extensively on this matter, and I will only present a few points from his opinion. The threefold examination, and especially the absolute and relative judgment, or judgment of suitability, presented by the examiners, appear to be based

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on a solid foundation, namely the authority of the Council of Trent (Session XXIV, chapter XVIII), which states: "After the examination has been completed, they shall renounce..."

[*Latin ed. p. 301*]

Sacred Congregation of Councils. 301 "Whosoever shall be judged by these [examiners] to be suitable in age, morals, doctrine, and other matters pertaining to the governance of the vacant church; of these, the bishop shall choose him whom he judges to be more suitable than the others, and the assignment of the church shall be made to him, and not to another, to whom it pertains to confer [the office]." It appears that a multiple scrutiny is necessary due to the multitude of qualities or requirements about which the examiners must render judgment, while the words indicate that a relative judgment, besides the absolute one, is to be rendered by the synodal examiners, concerning matters pertaining to the governance of the vacant church. And this seems to be in accordance with the disposition of the Benedictine Constitution, which decrees that, on the day of the competition, and by the episcopal chancellor, the merits, qualities, and requirements (as they are called) of each candidate, faithfully ascertained from the testimonies presented in due time, shall be summarized in writing, and a copy of the summary shall be given not only to the bishop or the general vicar acting in his place, but also individually to all the examiners attending the competition, so that they may render judgment both on knowledge and on life, morals, and other qualities necessary for the governance of the church. In addition to the prescriptions of the law, it should be added that the necessity of the examiners performing a relative or suitability judgment can be derived from: a) the fact that candidates compete for a specific parish; b) for the good and benefit of souls, because good and suitable pastors of souls can more easily be obtained through a double judgment, absolute and relative. The true pastor of Christ's flock can be called he who, besides the essential qualities, namely piety, knowledge, and the age prescribed by the canons, also possesses the qualities or requirements necessary for the performance of the parochial office in a specific parish. But, on the other hand, if the matter is subjected to careful examination, the rule or regulation concerning competitions for parishes in the Lombard ecclesiastical province seems to be contrary to the provisions of the law in a controversial part. And it is important to remember that, according to the law of the Decretals (Licet canon, cap. 14, De electione et electi potestate, in 6°) and the Council of Trent (cap. III, sess. III, De ref.), parochial benefices should be conferred upon worthy persons and of good character, and that, according to the same Council (sess. XXIV, cap. I, De ref.), those who are more worthy should be chosen; which is to be understood in connection with cap. XVIII (sess. XXIV, De ref.), in which it is stated that all parishes are conferred through competition, and the bishop chooses him whom

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he judges to be more suitable than the others, and the assignment of the church is made to him, and not to another. This disposition of the Council of Trent, confirmed by subsequent pontifical constitutions, admits of a double judgment, absolute and relative, on the part of the examiners, and of the practice of performing relative scrutinies and assessments.

[*Latin ed. p. 302*]

302 Acta Apostolicae Sedis. - Official Commentary. in calculating the votes, that no injustice might occur, because the one who is more worthy, having the matter of judgment exhausted by the examiners who would judge all the qualities or requirements of the candidates, should be determined by their votes, and this cannot be done without wounding the power of the bishop: which must be said with even greater reason regarding the method introduced in the Brescia diocese, as indicated above. Nor, in the case where several candidates present themselves for the same parish and receive the same number of votes, could the bishop declare one more worthy than the others and choose him, as is evident. The inconvenience would not be avoided if the examiners, after three scrutinies, were to report only those who are suitable to the bishop, leaving aside the election of the one who is more worthy. There would be a double judgment, on the part of the examiners and on the part of the bishop, and often, according to the double judgment, two would be considered more worthy. With these things admitted, it can be deduced that the examiners, when they judge the suitability of the candidates for governing a particular parish, exceed the limits of the office legally entrusted to them and restrict the episcopal jurisdiction. This is more evident if one considers that the relative judgment regarding the qualities of the candidates for a particular parish, taking into account its special conditions, is rather an act of governance, and therefore pertains to the bishop, to whom the governance of his diocese is entrusted. It must also be added that the relative judgment, according to the norm approved by the Bishops of the Ecclesiastical Province of Milan in 1896, cannot be completed with a firm criterion, because the character, activity, and degree of physical health of the candidates, in relation to a particular parish, can be judged differently by different judges: this judgment, which can be based on no document or very few, escapes inspection and depends primarily on the subjective disposition of those judging. Therefore, it pertains to the bishop, to whose conscience and prudent judgment the governance of the diocese is entrusted. It should also be noted that it seems inconvenient that someone, although it is known that he is absolutely suitable for the office of pastor, if he is rejected by the relative judgment, should be declared unsuitable: his absolute suitability would not prevent him, when it comes to applying for a particular parish, from simply being declared unsuitable in fact. I also consider it useful to point out that, in a matter of such importance, abuses may occur, according to the provisions of this

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Sacred Congregation of January 10, 1721, promulgated by Pope Benedict XIV, to the Secretary, Father Lambertini, that within ten days after the conclusion of the competition, a remedy should be granted either for a bad report from the examiners or for an unreasonable judgment by the bishop. This cannot be reconciled with the method under discussion, because the bishop, after the absolute and relative judgment of the examiners, declares the more worthy...

[*Latin ed. p. 303*]

The Holy Congregation of Councils, in section 303, determined that candidates should be chosen according to the points of their votes, and therefore, no judgment could be made from which an appeal could be taken. Nor could an appeal be granted if several candidates for a vacant church obtained the same number of votes, and the bishop chose one above the others. In this case, only one benefit is considered, while several equally deserving candidates are present. Since the bishop is obligated to choose only one candidate from among those presented, and the remaining candidates cannot claim greater merits or votes, there is no basis for an appeal. Furthermore, an appeal based on a negative assessment by the examiners regarding suitability or appropriateness would be ineffective, because the elements of this assessment (character, activity, physical robustness), which should be considered in relation to a specific parish, as mentioned above, cannot easily be proven by documents, and a higher authority cannot know all the details of the individuals and the circumstances. Moreover, there is another reason that suggests that the assessment of suitability pertains not to the examiners, but to the bishop, who, according to the judgment of the examiners, must choose, from among those who are deemed suitable in terms of knowledge and piety, the one whom he himself, considering all things properly, deems more worthy in terms of suitability. It is important that every competition, without distinction of parishes of greater or lesser importance, be open to all priests, so that all may dedicate themselves to the task, perform their duties with piety, and work with courage in the vineyard of the Lord. If a certain, so to speak, order is admitted, to which nature has largely favored with its gifts (character, special activity, a certain degree of physical health that depends little or nothing on the individual's will), many priests, even if learned and pious, would not participate in the competition, because, due to a slight defect, in the individual character or physical constitution of the candidates, the examiners might conclude that they are not suitable. This inconvenience can easily be avoided if the assessment of suitability is left to the bishop. When he, among those deemed suitable in terms of knowledge and piety according to the judgment of the examiners, chooses, according to his judgment of suitability, the one he deems most worthy, having properly considered all things, the reputation of the others remains intact, and no one can rightfully appeal the

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bishop's judgment. In this way, the inconvenience that occurred in the competition of Saint Agatha on January 31, 1910, is avoided, in which all the candidates, approved in terms of absolute suitability but disapproved in terms of suitability by the examiners, were simply deemed unsuitable. As is evident, the question is primarily about the assessment of absolute and relative suitability of the candidates, which norms or regulations were granted by the bishops of the ecclesiastical province of Milan to the synodal examiners. Let the Most Reverend Fathers, for the definition of this matter, after carefully considering the opinion of the Consultor, with the greatest prudence and legal expertise, follow the following:

[*Latin ed. p. 304*]

304 Acta Apostolicae Sedis. - Official Commentary. To resolve a doubt: Whether and in what manner the regulations concerning parish competitions, approved by the bishops of the ecclesiastical province of Milan in the year 1896, can be maintained in a given case. And the Most Reverend Fathers, on April 29th of the following year, responded to the proposed doubt: Deferred. The case was again considered on January 27, 1912, and the same Most Reverend Fathers, after due deliberation and voting, deigned to respond to the same doubt: Affirmatively. In Rome, from the Secretariat of the Sacred Congregation of the Council, on April 22nd of the same year, 1912. I. Grazioli, Under-Secretary. VOTE OF THE CONSULTORS. 1. The Council of Trent wisely established a method for conferring benefits through competitions in parishes. However, since the Council itself had not established a specific and certain form or method for conducting the examination in the competition, various inconveniences and disputes arose from the diversity of methods used. To remove these and prevent them in the future, Clement XI, in the document *Quo parochiales* of January 10, 1721, proposed a form for the examination, which was subsequently expanded and confirmed by Benedict XIV in the Constitution *Cum illud* of December 14, 1742. But not everything in that form could be definitively determined, and especially, nothing was established regarding the manner in which examiners should cast their votes in the examination and declare suitable candidates. Therefore, through particular customs or through provincial or synodal statutes, several other particular rules concerning that form of competition have been proposed. And as long as nothing is established contrary to the intention of the Council of Trent and subsequent Constitutions, there is nothing to be reprehended; as Cardinal De Luca stated in his time (*De Parodi*, discourse 37, n. 18): "A certain form for this [examination] is not prescribed, but the custom of the places or of the bishoprics varies... concerning the method of the examiners, since, in those matters which are not expressly established, it does not seem prohibited to use one method or another." Furthermore, bishops are not prohibited from adding certain

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more specific norms to the general laws of the Church, especially in this matter of discipline, since the Council of Trent itself says: "It will also be permissible for the provincial synod, if it should deem it necessary to add or remove anything concerning the form of the examination of candidates, to provide for it." 2. Based on these principles, the bishops of the province of Milan established, in that norm commonly known as the *Regolamento per i concorsi*, several particular rules, especially concerning the manner of giving votes in the competition and...

[*Latin ed. p. 305*]

6′. The Congregation of the Council. 305 clerics are deemed suitable for assignment to a parish. However, some of them raise concerns, and there is doubt as to whether they are in conformity with, or contrary to, the mind of the Council of Trent. But it is not without reason to point out, perhaps, that this concerns rather the establishment of a law than a law already established; for, since nothing is expressly found concerning these matters, either in the Council of Trent or in subsequent Constitutions, it remains to be carefully investigated whether the rules established by the Lombard bishops are in conformity with the mind of the Fathers of Trent, or rather, whether they deviate from it, and whether they can give rise to inconveniences and complaints, and therefore they ought to be rejected and the contrary affirmed, just as Clement XI did in the aforementioned letters; indeed, neither was the form of concurrence established in these letters previously obligatory, nor, even after these letters, was there a reason to induce the nullity of the concurrence until it was commanded by Benedict XIV. Therefore, those things which, in the aforementioned Milanese Norm, seem less in conformity with the law, at least on the surface, must be considered. There are two matters concerning which the greatest doubt exists: 1° Whether the distinction between the absolute judgment and the relative judgment of the examiners, with regard to declaring the suitability of the candidates, should be approved, and especially whether the examiners should only render an absolute judgment, or whether they can also extend their function to giving a relative judgment. - 2° Whether the judgment of the examiners concerning the suitability of the candidates for parishes should be completed in a single, cumulative vote, or whether it can be carried out through multiple, partial, and successive votes for the declaration of the suitable. 3. Indeed, with regard to the first point, it is certain that the distinction between the absolute and relative judgment of the examiners has hitherto been unknown, at least in terms of terminology; for not only does the Council of Trent and subsequent canonical provisions remain entirely silent on this twofold judgment, but neither is there mention of such a designation among the Doctors; rather, the laws and Doctors simply speak of the judgment rendered by the examiners concerning the suitability of the candidates, without distinguishing whether it should be

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absolute or relative. Therefore, should the method of procedure proposed in the Milanese Norm be rejected, according to which the examiners render a twofold judgment, one absolute and the other relative? - This question presupposes another, which must first be resolved, namely, whether the judgment of the examiners should be solely absolute concerning suitability in general for the parochial office, or whether it can also be relative, referring to the suitability of the cleric for governing a particular parish. 4. And here, it is especially important to distinguish between general competitions for parishes, in which the candidates are not assigned to a single, determined -

[*Latin ed. p. 306*]

306 Acta Apostolicae Sedis. - Official Commentary. a parish is established, but they aspire indiscriminately to many, and there is a particular competition held in order to fill a specific parish. Indeed, in the first case, it is clear that examiners should not and cannot issue a relative judgment, and their judgment can express nothing other than whether the candidates are or are not suitable for exercising the pastoral office. But here, we are not considering the case contemplated in the norms of the Province of Milan, where, certainly, we are dealing with a competition announced for a specific parish. - Furthermore, it must be considered that general competitions are not prohibited by Trent, and today, by custom and declarations of the Holy See, they can be lawfully held; nevertheless, it must also be admitted that general competitions are less in accordance with the spirit and intention of the Fathers of Trent, who seem to have had in view only particular competitions: indeed, the wording of the conciliar text constantly speaks of a vacant parochial church, and the entire chapter 18, session XXIV, De reform., clearly refers to a specific church and the appointment of a pastor through a competition; which is most evident from these words: "When any church becomes vacant, let the bishop choose three of those (examiners) who, together with him, will conduct the examination; and when another vacancy occurs, let him choose the same three, or others of the aforementioned six, whom he may prefer." - Moreover, no one has ever doubted that a competition announced for a specific parish fully corresponds to the intention of the Council of Trent, while, conversely, there has sometimes been serious doubt as to whether general competitions were in conformity with the provisions of Trent. - This is also the common opinion of the Authors. Sebastianelli (Praelectiones Iuris Can., vol. 2, n. 260): "All those nations to which the law of competition prescribed by the Council of Trent is binding are those in which the same Council was promulgated. But the contrary is evident, given current practice. In some nations, such as the Austrian and German empires, competitions are not held in each vacancy of parochial benefices, but in their place, general competitions are held..." Wernz (his Decretal., vol. 2, n. 827, Scholion): "The Tridentine com-

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petition, where it is not strictly enforced by law, is supplemented by apostolic indulgences or legitimate custom, as to substance, or by a preliminary general competition concerning only knowledge and a special examination concerning other requirements, before the appointment, as, for example, in Germany and Austria, or by an equally valid series of examinations, as, for example, in Belgium and France." Prümmer (Manuale Iuris Eccles., q. 78): "In many regions, a legitimate custom approved by the Apostolic See has prevailed, so that a competition is not held each time when a parish is vacant, but so that an examination of knowledge and other conditions is held once or twice a year by all clerics of a diocese who desire to be pastors..." Cf. also.

[*Latin ed. p. 307*]

S. Congregation of the Council. 307 Lawrence (Institutes of Church Law, n. 262), Aichner (Compendium of Church Law, § 86), Bargilliat (Lectures on Canon Law, n. 863), Vecchiotti (Institutes of Canon Law, book 2, § 87), etc. Indeed, even the Sacred Congregation for the Propagation of the Faith, in Instruction III, October 10, 1884, stated: "According to the prescription of the Council of Trent and the Benedictine Constitution, an examination, both concerning doctrine and concerning other qualifications of the candidates, must be held when a parish church becomes vacant. Nevertheless, in some dioceses, the custom exists of separating the examination on doctrine from the examination on other canonical requirements... Therefore, generally, an examination on knowledge is held twice a year..." - Thus, what is more in accordance with the Council of Trent, we should not determine based on the practice of these general examinations, but rather based on the consideration of a particular examination. 5. Indeed, if we consider the rules established in the law for the practice of this particular examination, there are not lacking legal foundations that suggest that examiners have the ability, and perhaps even the necessity, of expressing a judgment relative to the suitability of the candidates for a specific parish. 6. a) The words of the Council of Trent seem explicit: "After the examination has been completed, those who have been judged suitable by them (the examiners) in terms of age, morals, doctrine, prudence, and other things suitable for governing the vacant church shall be presented": therefore, the candidates must be presented as suitable not only in general for exercising the office of parish priest, but specifically for governing the vacant church for which the examination was held. 7. b) The practice of indicating an examination for a specific parish directly and fully corresponds to the intention of the Council of Trent, as we stated earlier: it seems incongruous to assert that the same Council restricted the ability of the examiners to only give an absolute judgment on the suitability of the candidates for the parish office in general, so that they could in no way express a judgment on the relative suitability for that specific parish; for why would the Council have taken

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such care for each vacant church, namely, so that upon the occurrence of a vacancy, a vicar should immediately be appointed, so that within ten days an examination for that church should be announced, so that upon the occurrence of the vacancy of any church, three examiners should be chosen who, with the bishop or the general vicar, would complete the examination, and other similar things, if the examiners were not to report only on the absolute suitability of the candidates? And it should be noted that the main reason that motivated the Council to introduce a new method of assigning parishes with the involvement of three examiners was to ensure that worthy and suitable parish priests...

[*Latin ed. p. 308*]

308 Acta Apostolicae Sedis. - Official Commentary. were to be appointed; hence, the passage begins: "It is most conducive to the salvation of souls that parishes be governed by worthy and suitable pastors; to ensure that this is accomplished more diligently and correctly, the Holy Synod has decreed, etc." Furthermore, it is certain that bishops, even before Tridentinum, were obligated to appoint to each parish priests who were worthy and suitable, not only in general for the exercise of the pastoral office, but also for the specific parish in which they were appointed. Therefore, if the Council wished that a competition be held for each vacant parish, and the purpose of this competition, with the involvement of examiners, was to appoint to the parish a priest who was worthy and suitable, it must also have intended that, through the examination, and therefore through the subsequent judgment of the examiners, it should be determined who were worthy and suitable to govern that specific church. 8. c) Moreover, the bishop is obligated to choose from among the priests who have been deemed suitable by the examiners one to govern the vacant parish church, and he can never appoint anyone else, even if he were the most worthy and suitable. Indeed, if the examiners in the competition for a specific parish could only issue a general judgment regarding the suitability of the candidates, it could easily happen, especially in the case of parishes of great importance, that one or more candidates would be declared by the examiners to be suitable for the general exercise of the pastoral office, and yet none of them would be suitable, at least in the judgment of the bishop, due to specific circumstances, to govern the parish church for which a pastor is needed. Thus, two inconveniences would arise: first, the purpose intended by the Council in prescribing the form of the competition would be frustrated, namely, that worthy and suitable pastors be appointed to the care of souls; second, the bishop would be forced, against his conscience, to choose a priest who was not suitable to govern that parish. - This inconvenience cannot so easily occur in the case of a general competition for parishes; for then the bishop can more easily distribute the parishes among the many competing priests, so that a suitable pastor is appointed to each church. Conversely, when it

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comes to a particular competition for a specific parish, it is not difficult to conceive of a situation in which all or most, or at least one, of the candidates are recognized as suitable to govern other parishes, but none are suitable to govern the parish for which the competition was held. - Also, if the examiners were only to issue a general judgment, it would be permissible to inquire what criterion should be kept in mind to define the absolute suitability of priests for parishes? Certainly, one and the same, and that is the absolute one, namely, that the candidates are adorned, even in the lowest degree, with the qualities required by law for the care of souls.

[*Latin ed. p. 309*]

£. Concerning the Congregation of Councils. Three hundred and nine souls require pastoral care; therefore, all those who possess these qualities, even in the lowest degree, or who are capable of governing a parish, even of the smallest importance, should be deemed suitable by the examiners in any competition. Therefore, the following qualities would suffice: the age of 25 years or more, clerical status, a life of honesty, a suitable, even if modest, knowledge, some prudence, etc.; but how can such individuals be appointed by the bishop to govern parishes of greater importance, in which a more mature age, and uncommon knowledge and prudence are required? And yet, even if all the candidates in competitions for these larger parishes do not surpass those described qualities, they should still be declared suitable by the examiners, and one of them must necessarily be chosen by the bishop.

Furthermore, another consideration arises: if, in the judgment of the examiners, someone who is truly suitable to govern a particular parish is unjustly excluded, that person has a remedy in law, namely, an appeal from the unfavorable report of the examiners; on the other hand, if the judgment pertains to the bishop, and he, among those approved by the absolute judgment of the examiners, finds no one relatively suitable to govern that particular parish, he has no legal remedy to exclude all the candidates.

9. d) Moreover, if the function of the examiners in a parochial competition were restricted to a single absolute judgment regarding the suitability of the candidates, certain consequences would follow that are entirely incompatible with the law. Suppose the case that all the candidates are already pastors in other churches; then the examiners would have no function, "for it is certain that all those candidates are absolutely suitable for the office of pastor, and therefore an examination would be useless, according to the rule of law 31 in 6°: 'He who is certain of a certification does not need further examination.'" Similarly, if in any competition, some clerics are already pastors, while others are not, then the examination should only be required of those who are not pastors, while the others would be deemed suitable for appointment without a new examination. Indeed, it can even

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be conveniently deduced that, upon the vacancy of a parochial church, the bishop could call a pastor from another parish, of whom it is known that he is absolutely suitable for the office of pastor, and confer upon him a new parish without a competition. All of these things are false and contrary to the law; for Garcia (De benef., part. 9, c. 2, n. 208) cites a certain decision issued by the Holy See, in these words: "The bishop can, when a curacy becomes vacant, call and admit to a competition someone holding another curacy, but he cannot, even if that person has obtained the curacy he holds, without a competition." In these last words, it is implied that it is not sufficient that someone has been declared suitable in some competition.

[*Latin ed. p. 310*]

310 Acta Apostolicae Sedis. - Official Commentary. In order that a priest may obtain another parish without a new competition, it must be possible; conversely, if the examiners in each competition were to render only an absolute and not a relative judgment, it does not appear why the examination of one who has already been declared suitable for parochial duties should be repeated, at least if a long time has not elapsed since the first examination. The Sacred Congregation speaks even more clearly than in the aforementioned resolution in a declaration or instruction given in the year 1577 at the request of the Chapter of Toledo, when the archiepiscopal see was vacant, which is given in full by Garcia (loc. cit., n. 8) and is also cited by Fagnano (in tit. Ne sede vacante, cap. Illa, n. 18 et seqq.), where it is stated: "Eighth, the examination and approval for legitimate appointments are not considered valid for vacant parishes if they have been made previously for other parishes that were vacant earlier; thus, it is not sufficient that someone has been judged suitable in the past months or years for some parishes, but a new examination and a new approval are always required for the very parish for which the appointment is being considered in each instance." With these words, I do not know if anything could be expressed more clearly to demonstrate the necessity of a relative judgment on the part of the examiners. Furthermore, assuming that the examiners were to judge only absolutely regarding suitability for parishes, we could at least grant the bishop the faculty of conferring a new appointment and examination to priests who have been declared suitable for the care of souls in the last competition held, but who have not yet received any benefice, namely, benefices that have become vacant through that very competition, that is, due to the nomination and promotion of the titulars of said benefices to other benefices. And yet, the bishop cannot do this without special apostolic permission, as noted by Cardinal Gennari (Monit. eccles., vol. XVI, p. 484), who, referring to these and other faculties regarding parochial competitions, which were granted by the Sacred Congregation to the Archbishop of Milan on December 17, 1904, adds the following words at the end: "In this case, although some things were within the power of the Ordinary,

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such as assigning parishes when the competition had been deserted, and also for the provision of parishes that were not yet vacant at the time of the competition, and for the approval of someone who had been approved in a competition for another parish, a pontifical dispensation was required, which was granted for three years." Cf. also Garcia (loc. cit., n. 100). The following also applies, as reported by Barbosa (De offic, et potest. Episc, part. 3, alleg. 60, n. 91): "In provisions made by the Apostolic See regarding parochial appointments, the following clause is usually inserted: 'If, through diligent examination by you, with the aid of examiners appointed by you in the diocesan synod, you are found to be suitable for this purpose, concerning which you have your conscience—"

[*Latin ed. p. 311*]

Sacred Congregation of the Council. 311 "we burden); and although this condition implies it, and it operates in such a way that "an examination with synodal examiners is required for form, so that it cannot be omitted, however suitable the petitioner may be, as deduced from the extensive writings of Nicholas Garciam on benefices, part 6, chapter 2, number 253 with many following, and especially number 266 where he recounts the decision in Galagurritana, concerning the benefice of Omitios, on October 12, 1587, before Cardinal Pamphilio the Elder, in which it was stated that this proceeded, even if he had been examined and approved even for a parish. However, the Sacred Rot. decision in one Pistorien.-Parish, on February 6, 1623, before D. Merlino, seems to me to sufficiently complete the condition and form of this matter, because someone who had previously been examined before the same Ordinary, with the assistance of synodal examiners, and had been found suitable and approved for the same parish, proceeds. From these, it is clear the response to what is stated by Nicholas Gare, on benefices, part 6, chapter 2, number 255 and following, and by Gonzal. (in the regulations, 8 Gancell., gloss 4, numbers 89 and 96 and following): they proceed, as they themselves say, when there has not preceded an examination with three synodal examiners according to the prescribed form: or when it was done by another Ordinary, and the approval was only general for parishes - in which terms the case in the aforementioned Galagurritana of Ornillos was before Pamphilio the Elder, as is found there - and not when a special approval for such a parish preceded, after a prior examination; and it is evident the reason for the difference between the two cases, because by a general examination made for parishes, it is not fully consulted regarding the discipline of Christian life and the care of souls of a particular parish; it can happen that such a parish requires in its pastor certain qualities which an external Ordinary examining for another parish could not have considered; which is different when someone has previously been examined and approved for the same parish and by the same Ordinary."

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10. These are almost the points on which a judgment can be based, granting the examiners a relative judgment regarding the suitability of candidates for a vacant parish. To which it may be added that the power of the bishop, in making the election of the more worthy candidate, cannot be seen to be restricted beyond the limits of the law by the relative judgment of the examiners. And it should be noted that we say that the power of the bishop is not restricted beyond the limits of the law by the relative judgment; rather, the very nature of the competition implies some restriction of the bishop's freedom by the examiners in designating pastors for parishes, because whether we grant the examiners a relative judgment or merely an absolute one, the bishop is always restricted to choosing the more worthy among those approved, and cannot, for his own...

[*Latin ed. p. 312*]

Acts of the Apostolic See. - Official Commentary. He cannot choose another, even if he judges him to be more worthy, unless a specific form of competition has been prescribed. Now, let us suppose that only one cleric has been approved in the competition: what difference does it make whether that cleric is declared suitable by an absolute or a relative judgment by the examiners? The bishop's freedom is completely restricted in any case, and we cannot speak of choosing the more worthy, since the bishop is obliged to choose that one approved candidate. Conversely, when several candidates are declared suitable by the examiners, even if this is done by a relative judgment, the bishop always remains free to choose from among them the one he judges to be more worthy. In a relative judgment, the examiners do not contain anything other than that all those who have been approved are considered suitable to govern that specific parish, but it is not determined which of them is more worthy; nor is the bishop bound by that judgment to choose one over another, but the determination of who is more worthy or more suitable depends on the prudence and judgment of the bishop. And in this way, the relative vote is understood and practiced in the province of Milan, as is evident from the declarations of the Bishop and examiners of Brescia, and the Archbishop of Milan, apud Folium ex officio, p. 3. It may happen that, in determining the simple and positive suitability of the candidates by the examiners, some of them obtain more votes than others; but this can happen in the same way even if only an absolute judgment is given, because it depends on the greater number of examiners who declare someone suitable by their vote; then, even assuming a relative judgment, the bishop is not bound to choose the one who received the most votes among those declared suitable. "The bishop or other superior, to whom it pertains, is not bound, says Cardinal De Luca (Annotations ad Conc. Trid., disc. 32, "nn. 25 et 26), "to follow the greater number of votes in this pre-election, but it is sufficient that he chooses one from among those already approved; therefore, if, for example, of five existing exam-

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iners, some of the candidates have the approval of all, while others have four votes, and others have three votes, the bishop can choose one of those who have only the approval of three votes, neglecting those who have the approval of all or the majority. Indeed, it is sufficient that the one chosen be of the approved type, even if the approval results from the adherence of the bishop or vicar, because, indeed, without that adherence, the act of approval or disapproval would not be concluded due to the equality of votes." Cf. De Luca, De Paroc, disc. 1 per totum, and disc. 37, n. 2. - Garcia (De benef., part. 9, cap. 2, n. 109): "Therefore, from among the approved, the bishop, by his own judgment and not by the calculation, number, and collection of votes, can and must choose."

[*Latin ed. p. 313*]

Sacred Congregation of Councils. 313 "That he who seems most suitable to them, as the Sacred Congregation judged in chapter 18, with these words: Each examiner can and must give their vote regarding the quality of any candidate, according to the prescribed form, after the examination is completed, and the bishop must not choose from the collection of these votes, but from the overall assessment. The examiners must only report two or three, for example, candidates who are deemed suitable, and then the bishop, without calculating the votes, but according to his own judgment, must choose the more worthy one. Alice: But if, among several candidates, some have received more than half the votes and are thus approved, and one has received all the votes, can the bishop, after the examiners have reported, choose someone other than the one who received all the votes, even if all are said to be approved, who has received more than half the votes? The Congregation responded that it is possible." See also Barbosa (Collect, ad Conc. Trid., ad hoc c, n. 122); Ventriglia (Praxis, part. 2, adnot. V, § 1, n. 19), and others, commonly.

11. But you will say: If the examiners offer a relative judgment, judging about all the qualities of the candidates and all the circumstances of the parish to be considered, and therefore, having exhausted the subject of judgment, the bishop would not have any other elements from which to discern and choose the more worthy one among the approved candidates. The response is, first, that the examiners not only can, but indeed must, judge about all the qualities of the candidates and about all other things that are necessary for the exercise of the care of souls; as Benedict XIV clearly demonstrates (De Syn. Dioec, lib. IV, c. 8, n. 3), when he says: "The examiners, before approving or declaring suitable those who are to be entrusted with the care of souls, must not only test their knowledge, but also have a special regard for the integrity of their morals, prudence, age, and other qualities with which one must be endowed to whom the governance of souls is entrusted. This is clearly the mind of Trent, as it is evident from his words in session 24, chapter 18, concerning reforms: After the examination

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is completed, those who have been judged suitable in age, morals, doctrine, prudence, and other things suitable for governing the vacant church are reported, and even more clearly, the Sacred Congregation explained the mind of Trent; to the Abulensi Bishop who asked: If the examiners have only made a report regarding literature, and the examination regarding morals, age, and other things is left to the bishop, should there be a parish assignment? The Congregation responded: It is necessary to make a report also regarding morals, age, and other things. Indeed, the same Congregation considered it so necessary that the examiners should not only consider knowledge, but also should expound the other qualities of the mind of those whose abilities are to be exercised..."

[*Latin ed. p. 314*]

314 Acta Apostolicae Sedis. - Official Commentary. "They cause concern for the souls, so that, contrary to what they had previously stated, a judgment, even more clearly and explicitly than in the aforementioned case of Abu-lens, should later be declared to have no validity, and consequently, the collation to the parish church should be declared invalid and void, as Fagnanus affirms in chapter Eam te, concerning age and qualifications, number 15, stating: 'Since the Council of Trent, chapter 18, session 24, when joined with the examiners, entrusts the examination of knowledge to the bishop, so also it entrusts to them jointly the examination of morals and prudence, so that, if the examination of age, morals, and prudence has been carried out solely by the bishop, there is no concurrence; on August 2, 1607, the Sacred Congregation decided that, if the examiners do not report that the candidates are suitable in all respects, as required by the Council, there is no concurrence, etc.' Furthermore, the examiners must not only consider the qualities of the mind, but also the qualities of the body, so as to report on the suitability of the candidates: 'Other qualities are also required from the point of view of selection, such as that the candidate be of sound body, so that he may properly perform his office; he must be free from servitude, not a slave nor a bigamist, and of this kind; for since such things are required for the proper reception of the sacred orders (can. Infames, chapter 6, question 1, with concordances), much more are they required in the selection and promotion to ecclesiastical prelacies.' Also, the conditions of the parish for which the competition was announced must be taken into consideration, so as to determine not simply whether someone is more worthy, but whether he is simply suitable for governing it, because, as Charles Ant. De Luc says (In Adnot. ad Ventriglia, Praxis, part. 2, adnot. V, § 1, n. 23): 'In a competition for a parish in mountainous and alpine regions, greater age is to be considered against the other candidates, since an old man is not suitable.' Therefore, it does not seem that the rule of the province of Mediolenensis is to be blamed for the fact that, among the qualities that the examiners must keep in mind when giving their judg-

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ment on the suitability of the candidates, they also list character, activity, physical health, etc. 12. With these things stated, let us now answer the objection raised. It does not seem that the matter of judgment is exhausted by the judgment of the examiners, so that nothing remains for the bishop to discern among those approved. For, after the examiners have reported several candidates as suitable for governing a particular church, the bishop can institute a comparison among those approved; and then it is difficult, indeed almost impossible, that, considering all their qualities, both of mind and body, and the conditions of the parish to be considered, he will not perceive any difference among them, so that no one appears to be more worthy and more suitable for the governance of that parish.

[*Latin ed. p. 315*]

Sacred Congregation of the Council. 315 chapters. They shall be so equal that no one shall have greater knowledge, or piety, or merit, or any quality whatsoever, which, even considering the conditions and circumstances of the parish, would make him more capable or worthy than others to govern that parish. Moreover, the duty of the examiners is merely to declare in a relative judgment who they consider suitable to govern that particular parish; and therefore, those who are judged suitable by the examiners are declared as such, provided they possess the qualities required for the governance of that parish to a sufficient degree; but nothing prevents that, among those who are considered suitable or sufficient in relation to that parish, some may be more sufficient, more suitable, and more worthy than others; and it belongs to the bishop to discern this, by comparing those who have been approved. And even if, as we have already said, it appears from the report of the examiners that someone is more suitable, the bishop is bound to abide by the judgment of the examiners; but he can and should also, at that time, make a comparison between those who have been approved, in order to determine who is more worthy; and if, in his judgment, he considers that the one who received fewer votes in the examination is more worthy, he can and should prefer him to the one who received more votes. It is not inconsistent if one appears more worthy in the judgment of the examiners, and another in the judgment of the bishop, because the examiners do not determine who is more worthy, but who is worthy; and if, at times, one appears to be more worthy than another through the votes, this is by accident, and the bishop is not bound to follow the majority of votes in choosing the more worthy. Therefore, in Pallotti (Collection... of resolutions, etc., Concursus, § II, n. 91), the following is read: "The examiners can also give distinct votes on the morals and other qualities of the candidate, either together or separately, as stated by Fagnano in chapter Eam, on age and qualifications, n. 16 and n. 17, so that, after all the votes have been taken, the majority are most often attributed to one, and that in fact they describe him as having been approved either first, or second, or in a lower place; if,

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therefore, it is clear from the number of votes that one is considered more worthy by them, it is clear that they can indicate whether it is permissible to use the power of the concursus, provided that the free judgment and all rights of election are fully reserved to the bishop. In Brixianen., Concursus paroeciae, June 22, 1833, § Id." - However, nothing prevents, and it seems to be in accordance with episcopal prudence, that the bishop should also take into account the votes of the examiners when choosing the more worthy; indeed, the bishop can, "if he wishes," as rightly pointed out by Benedict XIV (De Synod. Dioec, lib. IV, c. 8, n. 7), "before declaring the more worthy among those approved, in order to act more cautiously, seek the advice of the examiners, which Ventriglia rightly observes."

[*Latin ed. p. 316*]

316 Acta Apostolicae Sedis. - Commentarium Officiale. « concerning ecclesiastical affairs, p. 2, note V, § 1, nos. 49 and 50 », provided that the bishop always remains free in making the decision (cf. Ferraris, v. Concursus, no. 64). - Finally, even if we were to imagine a case, certainly a highly hypothetical one, in which, after the examination by the examiners, the bishop has no element to judge one candidate as more worthy than another among those approved in the examination, no restriction would thereby be placed upon the bishop's authority, because it would then also be up to the bishop's judgment to choose one rather than another whom he prefers. 1 3. Therefore, no difficulty can be found in the fact that, while the examiners offer a relative judgment regarding the suitability of the candidates, there would be two relative judgments, namely, that of the examiners and that of the bishop. For each judgment would concern a different term of reference: the examiners judge relatively with regard to the vacant parish, namely, whether the candidates are suitable to govern it; the bishop establishes a relationship between the candidates themselves in order to determine which among them is more worthy to govern that parish; therefore, the examiners directly and immediately refer to the specific conditions of the parish, while the bishop directly and immediately compares the approved candidates with each other in order to judge their greater or lesser suitability, and only indirectly refers the approved candidates to the vacant church in order to determine which of them is more worthy and more suitable to govern it. Therefore, the bishop's judgment should rather be called comparative, as Argirò observes (book 7, discourse 27) apud Rechistas (De concursus, p. 2, book 3, no. 22); the examiners' judgment, although relative, should be called positive, as with those same authors. 14. It is then objected that a concursus, namely, a general one for several parishes indiscriminately, in which no relative judgment is offered or can be offered. The response is, first of all, to demonstrate that this does not at all prove that the relative judgment is not necessary or obligatory in all concursuses, and certainly not that the relative judgment itself is also prohibited, so that

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in concursuses in which it can be offered, such as in concursuses for one specific parish, it is at least not optional or permitted. Indeed, if we carefully consider all that has been explained so far, we must say that it is more fitting that, in particular concursuses, the relative judgment should not only be optional or permitted, but also necessary or obligatory, according to the Council of Trent. It does not matter that in general concursuses a relative judgment cannot be made, because, as we have said above, these general concursuses somewhat deviate from the intention of the Council of Trent, and are scarcely considered legitimate except by custom and the approval of the Holy See.

[*Latin ed. p. 317*]

Sacred Congregation of Councils. 317 15. Nor does it seem to matter much if such a judgment is called a relative judgment, or a judgment of suitability, as is especially the case in the diocese of Brescia, provided that it is truly a judgment of suitability; otherwise, the basis of the denomination lies in the very Tridentine decree: "After the examination has been completed, those who have been judged suitable in age, morals, doctrine, prudence, and other things suitable for governing the vacant church shall be reported." 16. Having discussed all these matters concerning the power of the examiners in rendering a relative judgment, let us return to the first question raised in this matter, namely, whether the practice introduced in the province of Milan for parish competitions, concerning a double judgment on the part of the examiners, namely, an absolute judgment and a relative judgment, should be approved. And we can state beforehand that this practice, if not in name, at least in substance, exists in some places with the approval of the Holy See. In Austria, Germany, and other nations, a general competition regarding knowledge is usually held twice a year, and the judgment given by the examiners there is certainly an absolute judgment; then, when a parish is vacant, another particular competition is held, in which the examiners, having in mind the approval of knowledge given in the general competition, render a judgment concerning the other qualities of the candidates, and this judgment seems to be more of a relative judgment. But, as is evident, this double judgment that prevails in these nations does not entirely correspond to the double judgment, absolute and relative, prescribed in the norms of the province of Milan; for there, each judgment is given in a different competition and concerning different qualities, while here, both judgments are given in the same competition and concerning the same qualities, which, first, are considered in general with regard to the exercise of the parish office, and then, are considered specifically in relation to governing a particular parish; therefore, although the practice of Milan certainly gains some strength from the practice of those nations, it cannot be said to be entirely justified based solely on this comparison. - Furthermore, if we examine the distinction between an absolute and a

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relative judgment according to the practice of the province of Milan, it does not appear to be strictly necessary, since it is generally not applied in the Church; indeed, there does not seem to be any obvious utility to this double distinction, so that in the very norms of Milan, it is permitted to omit the inquiry concerning the relative judgment whenever it is a matter of a parish of lesser importance, and in the particular modifications introduced for the use of the archiepiscopal curia of Milan, it is expressly stated: "After this vote has been taken, a relative vote should be taken on each candidate, if, that is, it is considered suitable and appropriate for the parish N."

[*Latin ed. p. 318*]

318 Acta Apostolicae Sedis. — Commentarium Officiale. "However, the totality of circumstances renders this second 'vote' superfluous. And in the diocese of Brescia, it appears (at least from the Acts) that an absolute judgment regarding suitability in general for the parochial office is omitted, but, after votes regarding knowledge and piety, a so-called 'vote' of suitability is presented as the definitive judgment, which, according to the explanations of the bishop, is nothing other than a relative judgment. "According to the Council of Trent,... The Regulation for competitions in the Lombard ecclesiastical province... requires that the bishops, regarding each of the candidates, already approved for knowledge, question the examiners as to whether they judge him suitable or not for each of the parishes to which he aspires... This is the vote that we call the vote of suitability, and which evidently belongs to the synodal examiners, because their judgment of the knowledge and merits of the candidates must not be abstract and general, but concrete and particular with regard to that specific parish." - Therefore, the obvious utility of this double distinction is not apparent: perhaps some utility can be found in this subsequent double judgment, when it concerns parishes of greater importance, so that in this way the suitability of the candidates for that specific parish becomes more evident step by step. - Whatever may be the case regarding this necessity or utility, it also seems to be the case that this practice of a double distinction, namely absolute and relative, is not strictly contrary to the established law, especially the Council of Trent; provided that it is recognized that the examiners, according to the aforementioned, have, if not a necessity or obligation, at least the faculty or license to express a relative judgment; and provided also that, as we shall soon see, the judgment of the examiners is not to be completed by a single, cumulative vote, but can be completed by a multiple, successive vote. 17. It is also noted in the regulation for competitions in the Milan province the multiplicity of votes by which the judgment of the examiners regarding the suitability of the candidates is completed. First, a judgment or vote is given regarding the knowledge of the candidates; and this very judgment or vote is not singular, but multiple, since the examiners separately judge the explanation of the dogmatic chapter, the theological theses, and the three

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individual moral cases, and then the calculations or points of all five examinations are added together, and thus a comprehensive judgment regarding knowledge is obtained; to which is added another judgment regarding knowledge, namely the aforementioned preliminary judgment, which is indeed prepared beforehand by the chancellor from the accumulation of classifications obtained by the candidate both in the course of theological studies and in the four examinations received after ordination. Then, having considered together these two judgments regarding knowledge...

[*Latin ed. p. 319*]

The Holy Congregation of Councils, by a vote of 319, which is comprehensive, meaning it considers both essential and preventative factors, as well as other qualities, whether moral or physical, requests that the examiners provide a definitive and absolute judgment regarding the suitability of the candidate in general for the parish office; and finally, at least when it concerns a parish of greater importance, a relative judgment regarding suitability for that specific parish is presented.

In the diocese of Brescia, after a vote regarding knowledge, there is a special vote regarding piety; and these two votes may be given the force of an absolute judgment regarding the suitability of the candidates; thirdly, there is given a vote of opportunity, or a relative judgment.

Indeed, all of this seems contrary to the decrees of the Council of Trent and subsequent laws, according to which the judgment of the examiners regarding the suitability of the candidates must be cumulative, considering all the qualities of the candidates together, and therefore must be completed by a single, not multiple, scrutiny.

And certainly, there can be no doubt that the final and definitive judgment, by which some are rejected as unsuitable and others are declared suitable, must be cumulative, flowing, indeed, from the consideration of all the qualities with which the candidates are endowed: for the words of Trent are clear, and the words of Benedict XIV in the Constitution *Gum illud* are even clearer: "And after all these things have been considered together, they shall reject those who, by their votes, are deemed unsuitable, and they shall declare suitable those to the bishop."

However, it does not seem contrary to the decrees of Trent and Benedict XIV that such a definitive judgment should be preceded by several other partial and preventative judgments or scrutinies. For what prevents the examiners from first investigating separately the knowledge of the candidates and forming a judgment on that, and then equally inquiring about age, prudence, merits, and other qualities, and judging on each of these individually, provided that, after having carefully considered everything, they finally reject the unsuitable and declare the suitable? And there does not seem to be a lack of foundation for this practice in the laws cited; for Trent says: "After the examination has been completed (although it does

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not specify the form), those who have been judged suitable in terms of age, morals, etc., shall be declared suitable."

Moreover, Benedict XIV in the aforementioned Constitution *Gum illud* seems to suggest multiple partial and successive votes, as if scrutinies, before arriving at the cumulative and definitive judgment: "Furthermore," says the Pope, "the examiners, in order to obtain a certain and undoubted judgment of knowledge, after having diligently examined the expertise of each in developing and explaining some aspect of ecclesiastical doctrine, and with equal diligence having weighed the answers given in writing to the questions proposed; and after having finally discovered in which each excels in the gravity of their judgments and the elegance of their..."

[*Latin ed. p. 320*]

330 Acta Apostolicae Sedis. - Official Commentary. "In the examination, the examiners should apply equal, or even greater, diligence in investigating other qualities; and with all these considerations taken together, they should reject the unsuitable and declare the suitable approved." Specifically, concerning the examination of doctrine, the following is also worthy of note, as read in Pallottini (Collectio, etc., vol. Concursus, § II, no. 99): "Hence, in the examinations for parish churches, it is commonly practiced in Rome and elsewhere, that the examiners, through a common scrutiny and deliberation regarding the individual answers of each candidate to the proposed questions, in the presence of the bishop, who approves, agree on the worth of each answer individually, and a written assessment is noted for each answer. The same is done regarding the concion or exposition. Once these assessments are completed, a count of points or scores is made, from which it becomes clear who has been approved and who has been rejected, according to this rule: for example, if someone who obtained 11 points did not obtain half, or less than half, he is considered rejected, such as if he obtained only 5 or 4 out of 10. But if he obtained more than half, his degree of approval will be greater or lesser, depending on whether he is closer to or further from the number 11. In Lucca, Concursus, May 21, 1803, § To be noted."

Certainly, it is not prescribed that these separate and preliminary examinations be conducted before proceeding to the final judgment: as Ventriglia states (Praxis, part. 2, adnot. V, § 1, no. 47): "Although the examiners are required to report to the bishop those who are deemed suitable with respect to all the aforementioned qualities, they are not required to report the individual qualities of those who were examined; but it is sufficient to state that all those examined were deemed suitable with respect to all qualities, without stating whether they were suitable with respect to age, morals, doctrine, and other qualities: see Cavaler., dec. 299." The same is stated by Fagnanus (in cap. Eam, de aetat. et qualit., no. 16) and Cardinal De Luca (De Parodi., disc. 37, no. 22).

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However, it cannot be said that it is legally prohibited to precede the final, cumulative judgment with partial and preliminary examinations; indeed, this practice seems very useful, as it allows for a more thorough examination of individual qualities; and it seems to be common everywhere.

19. What was the intention of the bishops of the province of Milan when they established these preliminary judgments, is clearly inferred from the following words of the often-cited norm: "IV. Final judgment on the suitability of the candidate. After the judgment regarding the knowledge of the candidates, it is necessary, as Benedict XIV prescribed, that 'equal, or even greater, diligence be applied by the examiners in investigating other qualities, etc.'" The good conduct, the ecclesiastical spirit, and prudence.

[*Latin ed. p. 321*]

Sacred Congregation of the Council. 381 "In a parish priest, a close bond must be maintained with knowledge; therefore, "according to the decisions of Canon Law, the final judgment on the suitability or unsuitability of a candidate to be a parish priest must be a joint or cumulative assessment of all three elements, which are knowledge, priestly conduct, and the suitability to govern a particular parish; and consequently, classifications of knowledge must be integrated with those concerning the candidate's life and other moral qualities." 20. All of these things which have been explained thus far, if they are deemed worthy of approval, demonstrate the assertion initially proposed, namely that the definition of the present question pertains more to establishing law than to an already established law. It does not seem strictly necessary to assert that the particular rules, in the norm of the province of Milan concerning competitions, are truly contrary to the law established in the Council of Trent and in subsequent papal decrees, nor that their observance and practice would lead to a substantial defect in the form of the competition, so that all competitions, according to the aforementioned norm, hitherto carried out, should be declared invalid and of no value, and therefore an apostolic sanction and confirmation of all appointments made under these competitions would be necessary. "The form of the competition," says P. Wernz (Jus Decr., vol. II, n. 827, VII), "must be observed which is prescribed in the Council of Trent and finally by the Constitution of Benedict XIV..." But the nullity of the competition "cannot in any way be asserted generally if the prescribed formalities have not been strictly observed, but this applies only to those conditions of the competition for which a nullifying clause has been expressly and specifically established, such as the judgment of the examiners which is given solely on sufficient knowledge, and not also on the honesty of life and other qualities to be examined." - In our case, however, the method of the province of Milan is not shown to be deficient in any of the aforementioned conditions specifically protected by a nullifying clause. Therefore, we will not say that the competitions held according to this method have been in-

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valid. - Nevertheless, this does not prevent, for the purpose of establishing law, that if any of the things contained in this method are judged to be less suitable or which may pave the way for inconveniences, they may be ordered to be corrected, or even that new and specific rules may be defined and established by the Holy Sacred Congregation in matters of controversy. It is for the most wise Fathers to judge, to whom I submit all of the above, while reverently kissing your Sacred Purple.

[*Latin ed. p. 322*]

322 Acta Apostolicae Sedis. - Official Commentary. SACRED CONGREGATION FOR THE RITUALS. DECREE. CONCERNING NEW RUBRICS. To the Sacred Congregation for the Rituals, for a suitable solution, the following doubts have been presented:

I. Whether the Feasts of the Blessed Virgin and of the Saints which were celebrated on Sundays under a major or minor double rite, can be transferred to another day if these same Feasts are mobile and possess, by law or privilege, the right of translation and transposition; or rather, whether they ought, like other mobile Feasts, to be commemorated in a simple manner, unless, indeed, they are to be omitted altogether.

II. Do mobile Feasts which are celebrated under a rite of the first or second class, have the right of translation and transposition, even though no mention of this right is made in the decree of concession granted to certain places?

III. Whether Feasts which are celebrated on a fixed day of the month throughout the entire Diocese or Institute, if in some church within that Diocese or Institute they have hitherto been celebrated on Sundays under a major or minor double rite, ought to be commemorated or omitted according to the temporary prescriptions; or rather, ought they to be celebrated on the fixed day according to the Calendar of the Diocese or Order, perhaps observing a higher rite of the same Office granted for Sundays in that particular church?

IV. Whether mobile Feasts which are observed on other days of the week under a major or minor double rite, such as the Feasts of the Mysteries and Instruments of the Lord's Passion, ought generally to be commemorated in those years in which they are impeded, even though they do not have the right of translation and transposition?

V. Whether the faculty granted by the new rubrics, title X, number 3, which allows Feasts impeded by Sunday to be observed by the celebration of all Masses, except one, due to the desire or concurrence of the people, can be extended to Feasts which have been permanently reduced to a simple rank, or entirely abolished, because they were formerly attached to Sun-

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days?

[*Latin ed. p. 323*]

I. The Holy Congregation of Rites. 323 VI. Can all Masses that are permitted by the rubrics, title X, number 3, also be celebrated if a feast of the second or third class occurs? VII. Since, according to the new rubrics, title X, number %, private Masses for the dead are not permitted during Lent except on the first day of each week, unless there is an impediment; it is asked whether this prohibition is general, and whether it applies to private, or "said," Masses, even those requested out of devotion by relatives, which are celebrated on the anniversary of a deceased person? VIII. In a Mass celebrated on a weekday of Lent, according to the new rubrics, title X, number %, after the commemoration of a feast of the second class occurring on the same day, must the "Oratio A cunctis" be added in the third place? And if not, can a collection be added from the devotion of the celebrant? And if equally negative, is it permissible in a weekday Mass, when a feast of the second class occurs? IX. Since, in the Decree of March 2nd of the current year, it is prescribed that the Sunday after Epiphany should be anticipated on Saturday or on another preceding weekday, if a feast of the second class occurs; and if no feast of the second class occurs within the week, on Saturday or on another preceding weekday, even if a feast of the first class occurs: it is asked what should be done if the entire week is impeded by feasts of the first class or of the first class of greater solemnity? X. What color should be used in administering Holy Communion outside of Mass on the day of the Commemoration of All the Faithful Departed? XI. In Votive Masses that do not have a proper Preface, should the Preface of the Office of Santa Maria be recited on Saturdays, which in those same Masses have a commemoration? XII. In feasts of nine readings, which have a proper Preface in the Mass, and which are celebrated within the time of Lent, or of the Passion, or of Easter, if a Mass of the weekday with the commemoration of the current feast is said, according to the rubrics, title X, number %, should the Preface of the Time be used, or the Preface of the feast which is commemorated in the Mass of the weekday? XIII. Which Preface should be used in a Mass, which lacks a proper Preface, in which both a feast of simple solemnity is commemorated, and which has a proper Preface, and also a weekday which obtains its own proper Preface of the Time? XIV. If a feast of nine readings occurs on the second and fourth days of Rogations, and on the weekdays of the Four Seasons of Advent and of the month of September, can and should the readings from Scripture be read which were impeded on the immediately preceding or following day, if that feast of nine readings does not require the readings proper to it, or

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those of the Common?

[*Latin ed. p. 324*]

324 Acta Apostolicae Sedis. - Official Commentary. XV. Regarding questions pertaining to section XIV: 1° Whether readings from Scripture of the preceding day, or readings from Scripture of the following day, are to be preferred, if both are impeded? 2° Whether readings from Scripture occurring on a given day may be removed so that, in feasts having a Homily, the readings from Scripture may be read, for example, if the readings for the second day of the week, within the third week of Advent, are impeded, may they be transferred to the third day of the week, and the readings for the third day of the week to the fourth day of the week, and so in similar cases? XVI. Whether the beginning of a book, if it cannot be placed otherwise, may be transferred to a feast of nine readings, which has truly proper and historical readings in the First Nocturn, as do, for example, the feasts of the Chair of the Apostle St. Peter, the Conversion of the Apostle St. Paul, the Finding of the Protomartyr St. Stephen, and similar feasts? XVII. And regarding the negative aspect of section XVI, whether the same should be said of readings that are appropriate, as are appropriate in the feasts of the Dedication of the Basilicas of the Holy Apostles St. Peter and St. Paul, of St. Mary Major, and similar feasts? And the Sacred Congregation of Rites, after hearing the opinion of the Liturgical Commission, and after careful deliberation, decided to respond as follows: Regarding I. Negatively to the first part, unless a new Indult is obtained; affirmatively to the second part, according to the new regulations. Regarding II. Affirmatively. Regarding III. Negatively to the first part; affirmatively to the second part. Regarding IV. Affirmatively, according to the new rubrics, title III, number 4. Regarding V. Affirmatively, for simplification; negatively for abolition. Regarding VI. Negatively, with the exception of the general rubric of the Missal, title VI, concerning the transfer of feasts. Regarding VII. Affirmatively. Regarding VIII. Regarding the first part, provision is made by the Decree of March 22, 1912, number 5; regarding the second and third parts, negatively. Regarding IX. In the case where the Sunday is anticipated on Saturday, or on another preceding day on which the feast of a higher rank occurs. Regarding X. The color violet, or white, should be used. Regarding XI. Affirmatively, according to the recent Decrees. Regarding XII. The Preface of the Season should be used, as it is proper to the Mass. Regarding XIII. The Preface of the Blessed Simplicius, already mentioned, should be used. Regarding XIV. Affirmatively.

[*Latin ed. p. 325*]

Holy Congregation of Rites. 325, Ad XV. Regarding the first part, the lessons of the preceding day are to be read; regarding the second part, affirmatively. Ad XVI. Negatively. Ad XVII. Negatively. And thus it was decreed, declared, and ordered to be observed, on April 19, 1912. Fr. S. CARD.

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MARTINELLI, Prefect. Fr. Petrus La Fontaine, Bishop of Chariestien, Secretary. n. LAURETANA. CONCERNING HONORARY CHAPLAINS. The Holy Congregation of Rites inquired: Can the privileges and insignia conferred by the Supreme Pontiffs upon honorary chaplains of the esteemed Cathedral Basilica of Lauretana be legitimately used by said honorary chaplains outside the confines of the aforementioned Basilica and the diocese of Lauretana-Recanati? And the Holy Congregation of Rites, having considered the statements in the pontifical documents, as well as the episcopal letters in which the aforementioned chaplains are usually chosen and appointed, and after hearing the opinion of a special commission, decided that the answer should be: Negatively, according to the norm of the Brief *Illud est Proprium* of Pope Leo XIII, dated January 29, 1894, to III (Decree *Authent*, S. R. C, n. 3817, *De Canonicis honorariis*), the Motu Proprio *Inter multiplices* of Our Most Holy Pope Pius X, dated February 21, 1905, and the subsequent Decree or declaration of the S. R. C. of March 14, 1906. And thus it was decreed and declared, on April 19, 1912. Fr. S. CARD. MARTINELLI, Prefect. L. © S. Fr. Petrus La Fontaine, Bishop of Chariestien, Secretary. ACTA, vol. IV, n. 8. - 30-4-1912. 23

[*Latin ed. p. 326*]

326 Acta Apostolicae Sedis. - Official Commentary. III. DIOCESES OF FRANCE AND ITS COLONIES. The Feast of St. Joan of Arc in France is celebrated with a double rite of the second class. After the Apostolic See, by Decree of August 25, 1909, granted that the Feast of the Blessed Joan of Arc, Virgin, be observed annually throughout all of France on the Sunday within the Octave of the Ascension of the Lord, in some dioceses under a double rite of the second class, and in others under a simple double rite, the same Feast began to be celebrated by the faithful with ever-increasing devotion and with resulting spiritual benefits. Therefore, that a fuller uniformity may be achieved in the liturgical honors rendered to the Blessed Maiden in the diocese of Aurelianensis, the Most Reverend and Most Illustrious Archbishops, and all the Bishops of France, together with the Most Reverend Bishop of Aurelianensis, and also the votes of many Religious Superiors of Regular Families or Societies, humbly petitioned Our Most Holy Father Pope Pius X, that the Feast of the Blessed Joan of Arc, Virgin, under a double rite of the second class, may be observed with the benevolent extension of the Apostolic See, in all the dioceses of France and its Colonies. Furthermore, His Holiness, graciously accepting these petitions, granted, with special grace, that the Feast of the Blessed Joan of Arc, Virgin, assigned to the Sunday within the Octave of the Ascension of the Lord, be celebrated in all the dioceses of France and its Colonies under a double rite of the second class: all contrary decrees notwithstanding. April 24, 1912. Fr. S. CARD. MARTINELLI, Prefect. I, S. f. Petrus La Fontaine, Bishop of

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Charyste, Secretary.

[*Latin ed. p. 327*]

SACRED ROMAN ROTA OF RAVENNA. NULLITY OF MARRIAGE (PASOLINI-MONTAGUB). During the blessed reign of Pope Pius X, in the ninth year of his pontificate, on December 29, 1911, the Most Reverend and Learned Fathers Franciscus Heiner, President; Ioannes Prior, and Aloisius Sincero, Auditors of Tournon, in the case of "Ravenna. - Nullity of Marriage," concerning an appeal against the Rotal judgment of May 15, 1911, where the defender of the marriage, acting ex officio, was Pasolinus Pasolini, represented by his lawful procurator, the advocate Vincent Sacconi, and where Mildredam Montague participated and argued in the same cause as the defender of the marriage, rendered the following final judgment. Pasolinus Pasolini, born of a noble family of Ravenna, entered into marriage in 1907, at the age of thirty-two, with Mildredam Montague, an American woman, who was not of the Catholic faith, in a certain private chapel near Fiorentino, before Conrado Gonfalonieri, a Canon of Fiorentino, who had been appointed as a qualified witness by the parish priest of Saint Marcellus of Rome, in whose parish the father of the groom, Count Petrus Desiderius Pasolini, resided, and who, it appeared, was present at the time the marriage was contracted. However, this marriage had an unhappy outcome, due to the infidelity of the woman, who abandoned her husband and returned to America. Subsequently, Count Pasolinus, in order to regain his freedom, alleged a defect in the marriage, alleging that the parish priest of Saint Marcellus of Rome was not the proper pastor of either of the parties, and he obtained from the Roman Pontiff permission for the Sacred Tribunal to hear the case in the first instance, under the following formula of doubt: Whether the nullity of the marriage is established in this case. To this doubt, the Most Reverend Fathers of Tournon, in a judicial session on May 15, 1911, considered that the answer should be affirmative; and therefore, they rendered the judgment that the nullity of the marriage is established in this case. However, the defender of the marriage, in accordance with the law, duly appealed from this judgment, so that today, in the second instance, the same cause is to be examined and decided under the formula of doubt: Whether the Rotal judgment should be confirmed or overturned in this case.

[*Latin ed. p. 328*]

328 Acta Apostolicae Sedis. - Official Commentary. The Law Applicable. - "For the validity of marriage, it is required that one of the parties have, as their proper pastor, the parish priest of the place of their domicile or habitual residence, or someone in his stead" (Reifferscheid, *Ius canonicum*, Book IV, Title III, n. 55, with reference to the decree of the Council of Trent,

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Session 24, on the Reform of Matrimony, chapter 1). This is stated because, as Reifferscheid himself explains in I, c, n. 58: "The Council of Trent requires the proper pastor; and this is the pastor of the place of residence or domicile, because it is by reason of which one is a parishioner, as is stated in Book III, Title XXIX, On Parishes, n. 10." "A domicile is established," as Pirhing teaches in *Ius canonicum*, Book II, Title II, n. 12, "by intention and fact, that is, by the intention of residing there permanently (unless something occurs that causes one to withdraw, but with the intention of returning, cf. *Dig.*, Book 1, Title 2, chapter 1, on inhabitants, Book X) and by the actual residence, cf. *L. I. Domicilium* 20, etc., so that both are required cumulatively for someone to be considered to have a domicile in a place, namely, the actual residence and the intention of remaining there permanently, unless a new circumstance changes that intention, cf. *L. I. Cives*; nor is a long period of residence required, but as soon as someone arrives in a place with the intention of remaining there permanently, they are considered an inhabitant and to have established a domicile there, cf. Pirhing, *I. Pupillus*, 239, § *Incoha*, ff. de V. S."

Indeed, the cited opinion is mistaken if, after presenting the correct notions of domicile and quasi-domicile, it states: "However, the specific difference between the two lies in the intention, which in the case of a domicile must extend for the entire duration of life, or at least for a very long time, such as ten years; in the case of a quasi-domicile, it is sufficient that it extend for a major part of a year, which major part of a year is not to be understood mathematically; therefore, there is the opinion of those who say that six months is sufficient to acquire a quasi-domicile, and indeed, the Sacred Congregation of the Holy Office declared in a certain case (on November 9, 1898) that this is indeed sufficient" (cf. Noldin, Aichner, *C. I. Eccles.*, § 164). And indeed. Firstly, it cannot be affirmed that, for a domicile, an intention of remaining somewhere permanently or at least for a very long time, such as ten years, is required. For the intention required to establish a domicile is not one in which someone intends to remain somewhere constantly or for ten years, but permanently. "Indeed, in case of doubt... if it is not established that there was an intention of remaining permanently in a place, after a continuous residence of ten years, it should be considered that a domicile has been established there" (Pirhing, *loc. cit.*, n. 12; Bartolo, etc.). However, as is evident, a ten-year residence is nothing more than a legal presumption of the intention of remaining somewhere permanently. Secondly, it cannot be approved that, according to the cited decision of the Holy Office, it is sufficient to acquire a quasi-domicile.

[*Latin ed. p. 329*]

In the city of Rome, 329 months. For here, too, we are dealing with mere presumption. Indeed, residing in a place for six months is presumed to indicate an intention to remain there for a greater part of the year. However,

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the intention required by the sacred canons to establish a quasi-domicile extends to a greater part of the year, not merely to six months (cf. Rota Romana - Nullit. matrim. De Magri-Albini, where this is explained in detail). Furthermore, the aforementioned authors also teach this. Aichner, in the cited work, states: "The Sacred Congregation of Inquiries, on November 9, 1898, declared: 'Those presenting themselves for civil marriage from another place or parish, provided they have been registered in a parish for six months, are to be considered to have a quasi-domicile there in relation to marriage, without an inquiry being made as to the intention of remaining there for a greater part of the year, provided the word 'Sacrament' is used.'" However, the cited author notes above: "If this intention is not established, it is necessary to resort to indications that provide moral certainty," and later cites, among other things, the decision of the Sacred Office of 1898. Noldin, in his work "De principiis theologiae moralis," edition IV, p. 148, note 2, states: "The controversial question of whether the mere registration for six months in a place, even if there was never an intention of remaining there for a greater part of the year, is sufficient to acquire a quasi-domicile, the Sacred Office has not wished to resolve. However, in a particular case, the Sacred Office declared on November 9, 1898, that it was sufficient."

The following fact is relevant. The marriage between the plaintiff and Mildred was celebrated with the assistance of Canon Gonfalonieri, a witness authorized by the parish priest of St. Marcellus in Rome, and took place near Florence in a private chapel. Since the quality of Canon Gonfalonieri as an authorized witness was not verified except through the delegation received from the parish priest of St. Marcellus, the marriage in this case must be considered invalid if it is established that Count Pasolini had no domicile in the parish of St. Marcellus in Rome. Indeed, if this is proven, no other reason can be adduced to compensate for the lack of an authorized witness. And indeed. Firstly, it is certain that no other parish priest gave a delegation to the priest Gonfalonieri to assist at the marriage. Otherwise, only one, namely the parish priest of Ravenna – setting aside, for the moment, the parish priest of St. Marcellus in Rome – could have given such a delegation; but it is clear from the records that this parish priest gave no delegation whatsoever. Secondly, it is equally certain that the marriage cannot be considered valid on this ground, because the bride, who had left her homeland, tem-

[*Latin ed. p. 330*]

330 ^ Acta Apostolicae Sedis. - Official Commentary. The validity of a marriage can be strongly affected by the domicile of the parties. For even if the bride no longer resided in America, but was instead domiciled in a different location, it cannot be affirmed that the marriage is valid in this case. Indeed, according to the more accurate and common opinion of canonists, marriages of those who are domiciled elsewhere can only be validly cele-

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brated by the actual parish priest of the place where they are domiciled; therefore, not just any priest can act as a valid witness in their marriages. However, the bride was actually residing in Florencia at the time of the marriage, and that was in a certain inn, which was moreover located outside the territory of that parish, within whose boundaries the marriage was contracted. Therefore, the priest Falconieri was not the parish priest of the actual place of residence of the bride, nor was he delegated by him. Therefore, he had no legitimate title to witness the marriage. Consequently, the entire question is reduced to this: whether, in addition to the domicile in Ravennae, of which there is no doubt, the Count Pasolinus also had a domicile or quasi-domicile in Rome, and specifically in the family home, which is located within the boundaries of the parish of St. Marcellus. The appeal judgment refrains from resolving the question of whether the father of the appellant, Senator Petrus Desiderius, had a domicile or only a quasi-domicile in Rome, or whether the son had a domicile at the time of the marriage. "If this question," the appeal judgment states, "regarding the quasi-domicile of Petrus Desiderius in the city, could be resolved, it would appear with greater certainty, based on the arguments that we are about to present, that Pasolinus, having reached a more advanced age, had lost this quasi-domicile and retained only the domicile in Ravennae." Three arguments are presented by the appeal judgment to prove that the son, having reached a more advanced age, had abandoned or relinquished the domicile, or quasi-domicile, of his father in the city. The first argument is derived from a general mandate that the father gave to the son, namely, to administer the family's assets located in Ravennae; the second, from the fact that the son had given the name Ravennae to many societies; and the third, from various letters. First of all, it must be stated that the father of the appellant had two domiciles, one in Ravennae, where he resided in the summer, and another in Rome, within the boundaries of the parish of St. Marcellus, where he resided in the winter. It cannot be denied that the father also had a true domicile in the city. Although he did not reside there except for a certain part of the year, or in the winter, because he was required to attend meetings of the senators in the city, nevertheless there are two elements that constitute a domicile in the canonical sense: namely, the fact of habitation and the intention of remaining there permanently, if.

[*Latin ed. p. 331*]

The Roman Rota, in its judgment, finds nothing else to consider. It is not to be said that many senators in Rome do not have well-furnished homes. For, in this case, we are concerned only with Senator Peter Desiderio, or the father of the plaintiff. He, in the City, having a house located there and furnished with his own belongings, established "a home and center of things and fortunes" (I. 7, § 1, G. De incolis, 10, 39), or had a dwelling there of the kind required by canon law for establishing a domicile. Furthermore,

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there was a constant intention of remaining in the City, and it cannot be said that this intention was lacking, because the reason for remaining in the City, namely, the meetings of the Senate, was not perpetual. Nowhere is a continuous residence required, which is not interrupted by absences, but rather a constant intention of remaining is required and suffices, even if someone, after establishing a residence, leaves the place of domicile for months or years. In this case, however, the intention was constant, because the senatorial dignity, according to the law of italica, lasts until death. Regarding the arguments presented, the following should be noted. The appealed judgment intends to prove that the plaintiff has positively abandoned his domicile in the City. Indeed, the reasons presented in the two first pieces of evidence are not entirely sufficient to exclude the intention of continuing to maintain a domicile in the City, even in another place, especially if someone, as the plaintiff actually did, goes there each year for several months. However, these actions can be considered as supporting evidence or indications of the intention of permanently abandoning the domicile in the City, although, even with these arguments alone, no ecclesiastical tribunal could declare any marriage invalid. However, the third argument presented is entirely convincing and is sufficient in this case to prove that the son abandoned the intention of maintaining a domicile in the City. Even if we are dealing with private writings, they are the best means of proving what is in the plaintiff's intentions. For, one cannot judge the intention except through external means that reveal the intention. In this case, however, this intention was excellently expressed in many private letters, which, at a time not suspected, showed the parents what the son had thought about his father's domicile in the City with regard to himself. He himself expressly declared that he had only established a home in Ravennae, and that he had nothing in common with his father's domicile in Rome. However, if he nevertheless came to Rome to visit his parents or to consult his father about matters of the administration of the family's assets, he called himself "a pilgrim," "a foreign plant," etc., all of which are evident from the letters that exist in the records and are already abundant in the text of the appealed judgment.

[*Latin ed. p. 332*]

332 Acta Apostolicae Sedis. - Official Commentary. having related matters. Therefore, the intention of returning to Rome was excluded, so that he might remain there permanently again; for during the visits, he was only present there physically, so to speak, but his mind and intention were far from considering Rome as his domicile in the canonical sense. However, it must be said that the appeal judgment is based on a false assumption. The judgment assumes that the Count Pasolini, after reaching his majority, had a domicile in Rome, when the legal domicile passed into a voluntary domicile. Indeed, the son, after reaching his majority, did not even have

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a domicile in the City. Since the proceedings were not conducted on this point in any way, only a few allusions suggest that the aforementioned assertion is in accordance with the truth. The Count Pasolini, born on January 11, 1876, attended a school of social science in Florence from November 1894 to July 1897, as evidenced by an authentic document in the records. Meanwhile, on January 11, 1897, he reached his majority, and although he was still staying in Florence, he nevertheless administered, as he had done before, the family's assets in Ravenna. After completing his studies in July 1897, the son, who had already reached his majority, presented himself in Ravenna to perform the duties of administrator of the family's assets. Later, on November 18, 1898, a general mandate was issued in Ravenna, granting the son full power before the civil law. Therefore, the son, after reaching his majority, did not follow his father to the City, but only to Ravenna, so that it seemed as if he had acquired a voluntary domicile only in Ravenna. Although he came to Rome to visit his family and to conduct business, he did not change the legal domicile that he had there as a minor into a voluntary domicile, since the two elements that constitute a domicile were not present in this case. This is evidenced by the reasons presented by the appeal judgment to the effect that the son left his domicile in Rome. Having considered and carefully examined all of these things, invoking the name of Christ, We, the undersigned Auditors in Tournon, sitting for the tribunal and having only God before our eyes, decide, declare, and pronounce the judgment: That the marriage is null and void in this case, or in answer to the doubtful question: We answer affirmatively to the first part, negatively to the second part; furthermore, We decree that the plaintiff shall be held liable for all the expenses of the trial. Thus We pronounce, ordering the Ordinaries of the places and the ministers of the Tribunals to whom it pertains to order the execution of this Our definitive judgment, and to proceed against those who resist, according to the sacred canons.

[*Latin ed. p. 333*]

Secretariat of State. Dispatch. No. 333, and especially chapter 3, session XXV, concerning the reforms of the Council of Trent, with the executive and coercive means to be applied, which will be more effective and appropriate for the circumstances. Rome, December 29, 1911. Francis Heiner, Prefect. John Prior. Aloysius Sincere. Reverend Father Tancredes Tani, Notary. SECRETARIAT OF STATE – LETTER.

To the Reverend Father Vicentini, Superior General of the Institute of the Missionaries of Saint Charles, whose zeal for Italian emigrants deserves commendation.

Reverend Father, I have received with pleasure the document and the related list that Your Reverence sent me on December 21st of the present year, and I have gladly informed the Holy Father of the work that this Institute of the Missionaries of Saint Charles is carrying out, with ever-

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increasing success, in favor of Italian emigrants in America. How pleased His Holiness is, you can readily discern from the great and constant interest that She has always had in the religious assistance and protection of the poor emigrants.

Therefore, in entrusting me with the task of expressing to you the paternal satisfaction of the Holy Father for the zeal and selflessness with which the meritorious Missionaries of Saint Charles fulfill their holy vocation, the August Pope sends them, and especially to Your Reverence, a wide Apostolic blessing, to be for each one a source of necessary aid and an auspicious sign of the best heavenly rewards.

With sentiments of sincere esteem, I now take pleasure in reaffirming my respect for Your Reverence.

January 15, 1912.

Sincerely in the Lord,

Reverend Cardinal Merry del Val.

ACTA, Volume IV, No. 8. – 304 - 912. 24.

[*Latin ed. p. 334*]

334 Acta Apostolicae Sedis. - Official Commentary. II. TO REVEREND FATHER G. ZOCCHI, S.T., AS A FILIAL TOKEN OF DEEPEST RESPECT, PRESENTED WITH DUE REVERENCE FOR THE BOOKS TO THE MOST BLESSED FATHER. Reverend Father, I would say too little if I were to tell you that the Holy Father has been pleased with the three pamphlets, which the Very Reverend Father has sent to him in devoted homage. The great cause of free instruction in Italia, which you are promoting, has made them of particular interest and delight. His Holiness, therefore, thanks you most sincerely and congratulates you, knowing so well how to cooperate in reviving in Catholics the awareness of a duty, which cannot but be felt as very grave in the face of the daily and unpunished slaughter of innocent souls that is being perpetrated in secular schools. May God, and His Holiness gladly wishes it, that the generous cry of honest souls against the attempt to deprive Catholics, through the freedom of schools, of the hope of seeing future generations grow up in the faith of their baptism, mark the beginning of a salutary movement of redemption. Thus, Elias will also have the consolation of having effectively contributed through his writings: and that eloquence, "which, inspired by a sincere love of God and souls, so distinguishes him among contemporary orators, will have the merit of having served once again the defense of the great interests of the Church and the people." As a token of paternal benevolence, the August Pontiff sends you the apostolic blessing and with it the wish of all good things, also thanking you for the devoted sentiments that the Very Reverend Father has so nobly expressed on the occasion of the feast of Saint Joseph. And I, while pleased to give you this welcome news, add my personal thanks for the

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copies of the aforementioned pamphlets kindly sent to me, and take this opportunity to reaffirm my sincere esteem for the Very Reverend Father. March 22, 1912. Yours in the Lord, R. CARD. MERRY DEL VAL.

[*Latin ed. p. 335*]

Secretariat of State.

335 III. TO THE Reverend Mr. Eugene Bodin, of the Congregation for the Propagation of the Faith, concerning the most excellent work reverently presented to the Most Blessed Father, recently published, entitled "Edition of the New Testament. Greek-Latin Text."

Reverend Sir,

The Holy Father, Pope Pius X, has received with particular benevolence the tribute which you, with filial devotion, have offered to Him in the form of the "Edition of the New Testament, Greek-Latin Text," which you have recently published with ecclesiastical approval. Your remarkable work, the fruit of many years devoted to the study of our Holy Scriptures, comes at the opportune moment to provide a valuable contribution to the endeavors which Catholics pursue with ever-increasing zeal in the vast field of Holy Scripture.

Although the Church does not have an official Greek text, as it does for the Vulgate, it was certainly desirable and useful that a text, irreproachable and as close as possible to the original, could be placed in the hands of Catholics, and in particular of seminarians and young priests. This is the text which you strive to provide, and it is to you that the merit belongs for having published the first edition of a work of this kind, produced by Catholics.

You generally reproduce the Greek manuscript B of the Vatican, from the fourth century, but by comparing it with the quotations of the Fathers who lived before the fourth century, and by collating it with the other oldest manuscripts of the original text that have come down to us. You have also followed, for the Latin text, the Vaticanus B and the ancient versions which are confirmed by the Vulgate, of which you indicate, in the notes, the changes and the sources. These are a proof of the excellence of the Latin version revised by Saint Jerome and adopted by the Church.

The Supreme Pontiff is pleased to congratulate you on your zeal and your important work, and, with His paternal encouragement, He grants you, with all His heart, the Apostolic Blessing, a guarantee of abundant divine favors.

I gladly take this opportunity to express to you, Reverend Mr. Bodin, along with my congratulations, my best sentiments in Our Lord.

April 1, 1912.

R. CARD. MERRY DEL VAL.

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[*Latin ed. p. 336*]

336 Acta Apostolicae Sedis. - Official Commentary. DIARY OF THE ROMAN CURIA, SACRED CONGREGATION OF RITES. PREPARATORY MEETING. On April 16, 1912, in the Apostolic Palace at the Vatican, with the presence of the Most Eminent and Reverend Lords Cardinals, and with the votes of the Reverend Prelates Officials and of the Theological Consultors, the Preparatory Meeting of the Sacred Rites was held to discuss the question concerning the heroic virtues of the Venerable Servant of God, John Nepomucene Neumann, Bishop of Philadelphia, of the Congregation of the Most Holy Redeemer.

SECRETARY OF STATE. APPOINTMENTS. By letters from the Secretary of State, the Holy Father deigned to appoint:

April 15, 1912. – The Most Eminent Cardinal Ludovico Billot, Protector of the Bibliographical Society of France.

April 16. – The Most Eminent Cardinal Basilio Pompilj, Protector of the Congregation of the Sisters of the Resurrection of Our Most Holy Lady.

April 21. – The Reverend Father Domenico Pasqualigo, Commissioner of the Holy Congregation of the Holy Office, Consultor of the Holy Consistorial Congregation.

NECROLOGY.

April 24, 1912. – Monsignor Federico Filippo Abert, Metropolitan Archbishop of Bamberg in Bavaria.

[*Latin ed. p. 337*]

Year IV. - Vol. IV. May 10, 1912. No. 9

ACTA APOTOLICAE SEDIS COMMENTARIUM OFFICIALE

SACRA CONGREGATIO CONSISTORIALIS

I. ERECTIONIS DIOECESUM. KEARNEYENSIS.

Our Lord Pope Pius X, by decree of this Sacred Consistorial Congregation of March 8, 1912, has divided the territory of the Omaha diocese into two parts, and in its western part, has erected a new and distinct diocese, called Kearney, named after the city commonly known as Kearney.

The boundaries of the new Kearney diocese are as follows: to the east, the eastern boundaries of the civil counties of Keyapaha, Rock, Garfield, Valley, Sherman, and Buffalo; to the south, the Platte River and then the civil boundaries between the states of Nebraska and Colorado; to the west and to the north, finally, the civil boundaries of the state of Nebraska, so that this new diocese includes twenty-six entire civil counties, namely

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Keyapaha, Rock, Garfield, Valley, Sherman, Buffalo, Cheyenne, Kimball, Banner, Scotts Bluffs, Sioux, Barnes, Box Butte, Morrill, Garden, Sheridan, Cherry, Grant, Hooker, Thomas, McPherson, Logan, Custer, Blaine, Loup, and Brown; and also a part of the civil counties called Dawson, Lincoln, Keith, and Deuel.

Furthermore, this aforementioned diocese is established as a suffragan of the metropolitan church of Dubuque.

ACTA, vol. IV, no. 9. - May 10, 1912.

[*Latin ed. p. 338*]

338 Acta Apostolicae Sedis. - Official Commentary. CORPUS CHRISTI. Furthermore, the same Holiness, by decree of the aforementioned Sacred Congregation, on March 23, 1912, erected and established the apostolic vicariate of Brownsville, with the same territorial boundaries as before, into a diocese, which it named Corpus Christi, after the city where the episcopal see is established, and constituted it as a suffragan of the metropolitan church of New Orleans. IL WAYNE-CASTRENSIS. DECLARATION REGARDING THE DIOCESE OF FINES. Likewise, by decree of the same Sacred Congregation on March 29, 1912, Our Lord has deigned to declare that the Wayne-Castrensis diocese encompasses the entire northern territory of the civil State of Indiana, so that it is circumscribed in every direction by the boundaries by which the previously named Vincennopolitana diocese, now called Indianapolis, was bounded, but from which it is distinguished to the south by the austral boundaries of the civil counties commonly known as Warren, Fountain, Montgomery, Boone, Hamilton, Madison, Delaware, and Randolph, which are also included. III. TARBIENSIS. ADDITION OF THE EPISCOPAL TITLE OF LAPURDENSIS (Lourdes). Our Holy Father, Pope Pius X, by decree of this Sacred Consistorial Congregation on April 20, 1912, decreed that, in the future, the cathedral church of Tarbes and its bishop should be honored with the new title of Lapurdensis, from the town of Lourdes, so that both the diocese and the bishop of Tarbes may be called and be known as Lapurdensis. Although this new title of Lapurdensis is added to the diocese of Tarbes only for honor, the Holiness has ordered that, with regard to the present status of the episcopal see and residence, as well as the curia and the cathedral chapter, no change should be made.

[*Latin ed. p. 339*]

Sacred Congregation of the Council. 339 IV. LETTER. TO THE MOST REVEREND FATHER JOHN BAPTIST CORREA NERY, BISHOP OF CAMPINAS, CONCERNING DIOCESAN SEMINARIES TO BE ERECTED.

Most Reverend Lord, and Your Eminence, Your Holiness has learned from your letter of March 13th of your intention to establish a major and

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a minor seminary in the Campinas diocese. Furthermore, Our Most Holy Lord, being fully aware of all that you have accomplished in the two other newly established dioceses, now rejoices greatly, considering those things which you are about to undertake in the new diocese entrusted to you as its first pastor.

Among the things that truly excel is the proposal to erect both seminaries, for it is no secret that the proper training of the clergy is, in every diocese, like a cornerstone, and without which, those who build labor in vain. Therefore, Our Most Holy Lord praises this undertaking and approves it, and constantly imparts his apostolic blessing to all those who offer help and support to this work, whether to build the structures, or to provide them with furnishings, or to enrich them with a suitable endowment.

Regarding the norms and regulations proposed for both seminaries, a response will be given at a later time, after due study and examination have been made of them. And may God, from whom all good things come and from whom all perfect gifts proceed, be your guide and helper, as you strive for what is best for your diocese.

In the meantime, I offer you my heartfelt obedience, and I acknowledge Your Eminence as a brother, in Rome, on April 22, 1912.

G. CARD. DE LAI, Bishop of Sabina, Secretary.

[*Latin ed. p. 340*]

340 Acta Apostolicae Sedis. - Official Commentary. SACRED CONGREGATION OF THE COUNCIL, LETTERS CONCERNING HOLY DAYS. Numerous petitions have reached this Sacred Congregation of the Council from various places, in which it is most earnestly requested that all, or some, of the holy days that were removed from the list of obligatory feasts by the Apostolic Letters of July 2, 1911, be restored, both to satisfy the piety of the faithful who so earnestly desire it, and for other particular reasons specific to each place. In particular, it has been requested that the feast of the Most Holy Body of Christ be celebrated with a solemn procession and ceremony, as it was previously, on the fifth feria after the Sunday of the Most Holy Trinity, especially because the people, who are accustomed to holding that day as particularly solemn and celebrating it with great splendor, seem to suffer with sorrow and spiritual distress from the absence of such a procession. Furthermore, the Most Holy Pope N. Pius PP. X, to whom a report on the above was made by the undersigned Cardinal Prefect of this Sacred Congregation, desiring above all that, through oversight or incorrect interpretation of the aforementioned letters, the piety of the faithful and the due worship of God should not be diminished; indeed, wishing that, as far as possible, they should be increased, has commanded, decreed, and granted the following: I. Whereas, considering the changes of times and circumstances, the Supreme Pontiff removed certain days from the list of obligatory feasts, as has been done on more than one occasion by His

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Predecessors, it was not His intention that the observance of those days should be entirely suppressed; rather, His Holiness desires that those days be celebrated in the sacred temples with no less solemnity than before, and, if possible, with the same attendance of the people. It was and is the intention of His Holiness that only the obligation remain for the faithful to hear Holy Mass and abstain from servile works on those days; and this, primarily, to avoid transgressions of the precept and to prevent the possibility that, while some honor God, others might, without serious detriment to their souls, offend Him. Therefore, the same Holiness commands all those who are concerned with the care of souls to diligently exhort their flocks, even on those days, to...

[*Latin ed. p. 341*]

341 The Sacred Roman Rota, in order to demonstrate its piety towards God and its veneration for the Saints, as much as it can, especially through frequent attendance at churches for hearing the sacred rites and performing other pious exercises. 2° Furthermore, in order that the faithful may be more encouraged to observe the aforementioned feast days piously and devoutly, by the force of these present letters, it is granted to all local Ordinaries the ample faculty of dispensing with their subjects concerning the law of fasting and abstinence, whenever a day of abstinence or one dedicated to fasting falls on a feast day, even though it is not subject to a precept, but is devoutly observed with due attendance by the people. 3° Moreover, by these present letters, it is granted that the feast of the Most Holy Body of Christ, wherever the Sacred Ministers have judged it fitting to do so, and even though it is not subject to a precept, may be celebrated with a solemn procession and ceremony, as previously, on the fifth feria after the Sunday of the Most Holy Trinity; notwithstanding any contrary provisions. Given in Rome, from the Secretariat of the Sacred Congregation of the Council, on the 3rd of May, 1912. C. CARD. GENNARI, Prefect. L.&S. O. Giorgi, Secretary. THE SACRED ROMAN ROTA OF TURIN. IN NOMINATION. During the happy reign of Pope Pius X, in the ninth year of His Pontificate, on the 2nd of January, 1912, the Most Reverend Fathers, Aloysius Sincero, Ponens, Joseph Mori, and Frederick Cattani, Auditors of Tournon, in the case of "Turin Nomination," between the priest Felix Borgarelio, the plaintiff, represented by his lawful procurator, the advocate Angel D'Alessandri, and the cleric Joseph Sona, represented by his lawful procurator, the advocate Christopher Astorri, pronounced the following final judgment. A certain ecclesiastical property, established by the priest Ignatius Gallina, parish priest of Saint George, in the diocese of Turin, in his will dated October 13, 1835, became vacant upon the death of the canon John Violata on January 13, 1908, who had enjoyed it during his lifetime,

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and was then transferred to the canon Joseph Oliviero,

[*Latin ed. p. 342*]

Acta Apostolicae Sedis. - Official Commentary. On March 11th of that same year, before the ecclesiastical court of Turin, the priest Felice Borgarello was presented with the endowment of Saint George, and this ecclesiastical endowment was accepted as a canonical title for the aforementioned priest Borgarello. However, in the year 1909, on May 16th, the canon Oliviero designated and nominated the cleric Joseph Sona to the same ecclesiastical endowment, because, as he himself stated, he had observed that he had erred in nominating priest Borgarello. Therefore, the cleric Sona, having received a summons dated January 10th, 1910, petitioned the court of Turin to declare the nomination made in favor of priest Borgarello as null and void, because it lacked the qualities or conditions established by the founder; and, conversely, to recognize as valid the nomination made in his own favor, since he possessed the required qualities and had been nominated to the same endowment. The court of Turin, having delivered its judgment on July 16th, 1910, definitively pronounced: "1. The nomination to the Gallina endowment made in favor of the priest Felice Borgarello is of no value whatsoever, since he is not found to possess any of the conditions desired by the testator. Consequently, he is to restore possession to the parish priest of Saint George in Chieri. In consideration of his good faith, the fruits of the endowment are granted to him from the first day of his nomination to the day of the judicial summons. 2. The nomination of the seminarian Giuseppe Sona to the Gallina endowment cannot be declared valid, because he has not proven in court the 'extinction' of both lines of descent, a condition essential to its validity." Against this judgment, priest Borgarello appealed to this Sacred Order, and the question to be judged came before us under the following doubt: "Which of the two nominations made, namely that of priest Borgarello or that of cleric Sona, should prevail in this case?" To the substance of the facts, it suffices to add the will of the priest Ignatius Gallina, from which part pertains to the establishment of the ecclesiastical endowment: "... Wishing that all of my inheritance, after deducting the debts to which it may be subject at the time of my death and the legacies already made, be converted into the following pious work... To this end, I nominate as my testamentary executor... the learned parish priest for the time being of the parish of Saint George in this..."

[*Latin ed. p. 343*]

The Roman Rota. 343 "city... Therefore, all debts are extinguished... It will be the duty of my aforementioned testamentary executor, concerning the funds that exist at that time, to establish an ecclesiastical endowment in favor of my relatives, the nomination of whom shall always belong to the aforementioned parish priest of St. George, whom I intend and wish

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to always prefer in such a nomination that young man who is most closely related to me in kinship and in the male line; and if this line is extinguished, the closest relative in the female line; and if both lines are extinguished, such nomination shall fall to the benefit of a son of good character and of moderate habits, and who is born and resides in said parish of St. George, with the obligation for the person appointed to such ecclesiastical endowment to have celebrated in the church of said parish two Anniversaries with a sung Mass... and with the obligation for said appointee to pay annually to the aforementioned parish priest fifty lire, not so much for the alms of said two Anniversaries, but as compensation for any disturbances and inconveniences that said testamentary execution may cause; and in the meantime that the aforementioned nomination is not made, said two Anniversaries shall be celebrated by the same aforementioned parish priest... And if the person nominated to the benefit of said ecclesiastical endowment were to change his vocation, and through his fault or negligence were not to take the appropriate steps to receive the proper Orders in due time in order to be promoted to the priesthood, I intend and wish that such nomination be considered as not made or having taken place, and that the aforementioned parish priest shall proceed to another nomination, leaving everything, however, to the wise and prudent judgment of my aforementioned testamentary executor. This is my precise disposition of last will, which I intend and wish to have fully and completely fulfilled in every part." As for the law, it must first be determined whether, in this case, we are dealing with a true and proper ecclesiastical endowment in the legal sense, or not. Indeed, the priest Borgarello contends that "we are not dealing with a true and proper ecclesiastical endowment in the legal sense, but with a certain pious foundation in favor of both the parish church, and of young men, or those engaged in clerical studies, or already priests, who dedicate themselves to the service of the parish church"; and he believes that "from the words of the will, it clearly and undoubtedly appears that the parish priest Gallina, besides the spiritual, had proposed two main objectives to himself in the institution of the church.

[*Latin ed. p. 344*]

344 Acta Apostolicae Sedis. - Commentarium Officiale. "regarding ecclesiastical property, namely; it is more fitting to provide the necessary means for the greater glory of his parish and for divine worship, so that another priest may reside in the parish; and secondly, to make it easier for those who, maintaining proper order, belong to their family, or who, in the absence of others, would live in the parish; indeed, the former purpose was to enrich the parish with another priest." But the Testator clearly and openly, and indeed not once but repeatedly, spoke of "ecclesiastical property." As Reiffenstuel teaches in Lib. i, Beer. Tit. II, n. 384, the words "clara" do not admit of interpretation, nor of conjecture of the will. Abbot, Consil. 97, n.

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1, lib. 2; Cardinal Tuschus, Litt. V, Conci. 108; Barbosa, Axiomat. 222, n. 32, etc. Also, "words are to be understood according to their proper meaning, unless something else suggests it, or the nature of the act or contract." Reiffs, ib. n. 390. Indeed, it is far from the case that the subject matter suggests something else, rather, it more clearly and openly confirms that in this case, we are dealing with true and proper ecclesiastical property in the sense of the canons. For the Testator expressly stated "that in such cases, that young man should always be preferred," and also "that such a designation will benefit a son of good character and of moderate habits," and furthermore, "and if the person designated to receive this ecclesiastical property were to change his vocation, and through his own fault or negligence were not to receive the appropriate Orders in due time in order to be promoted to the priesthood, I intend and wish that such designation should be considered as not having been made or having taken place." Therefore, this property, by the express will of the Testator, is destined, not for those who are already priests, but for those who are to be initiated into the priesthood, and for this definitive purpose, so that they may be promoted to the priesthood. Therefore, they must have that legitimate caution of sufficient and perpetual support for ordination, which is prescribed by canon law. Cap. 4, X de praeb. III, 5; Council of Trent, Sess. XXI, c. 2; Pirhing, Lib. I, Decr. Tit. XI, n. 69, proem. 1; Pichler, L. I, Decr. Tit. XI, n. 17, 18; Wernz, Ius Decr. II, n. 90. Indeed, it must apply to the title of Ordination, although improperly so called, Pirhing, ib. n. 72, and only subsidiarily, D'Annibale, Theol. Mor. III, n. 295; Wernz, ib. 92, II. These are the true and proper terms of ecclesiastical property in the sense of the law, or the canons. Now, if the foundation established by the Testator Gallina is true and proper ecclesiastical property, nevertheless, in the subject matter, ecclesiastical property is not to be understood so strictly as a title "upon which a secular cleric can be ordained in the Sacred Orders," Pirhing, cit. n. 68, proem. 3, so that it cannot be conferred except upon those who are already in.

[*Latin ed. p. 345*]

The Roman Rota. 345 Sacraments! It is established and those who are to be ordained to the priesthood; for the testator expressly provides and foresees "that if the person named to the benefit of the aforementioned ecclesiastical patrimony were to change his vocation, and through his fault or negligence were not to receive the appropriate Orders in due time to be promoted to the priesthood." Therefore, this patrimony is destined for young men of the best hope who are called to the priesthood, so that, according to the prescriptions of the sacred canons, and especially the Council of Trent, Session XXIII on reform, chapter XVII, they may be provided with the means by which they may be sustained, religiously educated, and instructed in ecclesiastical disciplines, and then be able to receive the title of ordination for the reception of the sacred Orders and the priesthood.

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Therefore, the ecclesiastical patrimony established by the priest Gallina must be considered a pious foundation intended for a young man or cleric to be assigned to an ecclesiastical patrimony for the reception of the sacred Orders. And indeed, Peter Rivarolo, an expert in this matter, teaches: "As for ecclesiastical patrimonies... there are not a few foundations in all the dioceses that have been left for this purpose to enable poor young men to pursue an ecclesiastical career and the priesthood, through certain annual grants or in kind, or through sums of money..." (Government of the Parish, Part II, Title I, Chapter VII, article III, n. 51). Nor do the things that the priest Borgarello's patron argues against, with the end in view that he considers to be the most important, namely, to better serve the greater glory of the parish of St. George and divine worship by providing the necessary means so that another priest could live in the parish, have any weight. For neither does it follow from the fact that the testator expressly wished that, after both lines, of agnatic and cognatic descent, had ceased, only those born in the parish of St. George and residing there should be named to the ecclesiastical patrimony, nor does it follow, as the same advocate claims, that it should always be presumed that the children of the parish should be preferred, that those who are already priests, and who dedicate themselves to the service of the parish church, can necessarily be named to that ecclesiastical patrimony according to the testator's intention. For the end or intention of the testator must not be conceived or invented according to the opinion of each individual, but must be deduced and interpreted from what the testator wrote in the will. And even less do the things that the same patron adds have weight, namely, that if the end that the pious testator proposed was to favor clerics and to secure their sacred Orders, it would undoubtedly be clear that the provision of the patrimony would last until the priesthood, and that once this was attained, the favor to another cleric aspiring to the sacred Orders would cease. For this patrimony is not assigned to the cleric arbitrarily, but as a patrimony of the church.

[*Latin ed. p. 346*]

346 Acta Apostolicae Sedis. - Commentary. Official. Ecclesiastical, namely, in the title of Ordination. Concerning the very concept, or the essence, of the title of Ordination, there is perpetuity, and no one can be deprived of or stripped of the title of ecclesiastical property, unless otherwise ordained, and under certain conditions; Pirhing, Lib. I, Decr. Tit. XI, n. 68 and 70. Wernz, cited, n. 90 and 92, U; D'Annib., cited, III, 295; and this is well known in law. Nor is the argument valid that, contrary to the nature of ecclesiastical property, the same patron derives from what does not exist or has not been decreed in the Taurinensi Court, namely, a decree establishing the property founded by the priest Gallina as ecclesiastical property. For although ecclesiastical property is subject to ecclesiastical authority, Pirhing, cited, n. 72, D'Annib., vol. 1, 43, 44; Wernz, cited, n.

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92; Ferraris, Patrimonium, n. 25, 35, etc., it is not always necessary for a formal ecclesiastical erection, whether the property is constituted by the legitimately acquired property of the one being ordained, Wernz, cited, n. 92, note 55, or whether the property is an institution for a pious cause or foundation, Aichner, Ius Eccles., 143, T. For even in this case, it suffices that it be accepted by the bishop as a pious legacy. Arg. from Aichner, cited, 76, 1. Therefore, ecclesiastical property should not be confused with an ecclesiastical benefice, as the same patron seems to do. For among the most important requirements of an ecclesiastical benefice are that it be established by the authority of the bishop, and that it have something spiritual attached to it, namely, that it be granted for the sake of divine office. Reiff., L. III, Tit. V, n. 14 and 17, with common. Indeed, in this case, the intervention of ecclesiastical authority through a formal decree of erection is lacking, and there is no room for doubt. But also lacking is the true and proper office, as required in a benefice. For the office that is required in a benefice is not any spiritual burden, to be exercised in any way, but is "an office or obligation whereby one is bound to perform some spiritual function," Pirhing, L. III, Tit. V, II, with common; or, as Oietti better explains, Synopsis, v. Beneficium, n. 607, the spiritual, or sacred, office "which must be exercised by the beneficiary." Indeed, in this case, the burdens imposed in such a foundation are not spiritual burdens to be performed by the holder, or are not that the holder celebrate Masses, but that they take care that two Anniversaries are celebrated: "With the obligation for the holder of this ecclesiastical property to have celebrated in the church of the aforementioned parish two Anniversaries..." and that a certain sum be paid to the parish priest for this celebration: "and with the obligation for the holder to pay annually to the parish priest for the time being fifty lire, to cover not only the alms of the aforementioned two Anniversaries..." Therefore, these burdens or obligations are rather of a monetary nature, D'Annib., cited, 1, 42. Indeed.

[*Latin ed. p. 347*]

St. Humana Bota. 347 The ecclesiastical endowment can acquire, and sometimes does acquire, the nature of an ecclesiastical chaplaincy, due to the spiritual obligations attached to it and its ecclesiastical constitution; Rivarolo, cited, no. 54; but these considerations are irrelevant in this case, as is evident from what has been said. Now, turning to the conditions or laws imposed by the Testator regarding the designation for this ecclesiastical endowment, the Founder expressly established three orders, or degrees, of those to be considered: first, the closest relative by blood or descendant in the male line, or by agnatic relationship; second, if that line is extinct, the closest descendant in the female line, or by cognatic relationship; third, if both lines are extinct, this designation shall be made in favor of a young man of good character and proven morals, provided that he is born and

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resides in the aforementioned parish of St. George. The priest Borgarello seems to suggest a fourth degree or order; for he states that, in the absence of those in the preceding orders, the matter was referred "to the wise and prudent judgment" of the parish priest at the time, so that the endowment could also be conferred upon a priest, even one from outside, who dedicates himself to the service of the parish church. He himself contends that this is derived both from the principal purpose set forth by the Testator, and from the final clause of the will. But this is incorrect; for we have already discussed above what should be understood regarding the purpose. As for the final clause, it is evident from what has been said that the parish priest must, without a doubt, observe the will of the Testator regarding the designation of those to be considered, especially regarding the very purpose of the pious foundation. With these provisions regarding the nature and laws of the foundation, the two designations made by the modern parish priest for the endowment of Gallina must now be examined. Regarding the designation of the priest Borgarello, it is clearly evident from the documents that it was initiated and null. For he was not established in any of the degrees of those to be considered, which the Testator expressly established; he was not among those designated in the first two degrees, as is evident: nor can he be considered in the third degree of those to be considered; for he was not born in the parish of St. George, nor did he reside there. But, most importantly, the intention of the Testator and the purpose of the pious foundation established by him was that the endowment be conferred upon a young man or cleric as a title for receiving the Holy Orders; at the time of the designation, Borgarello had already been ordained as a priest. For no one, except the Supreme Pontiff, is permitted or has the right to alter the purposes of pious foundations and the wills of testators, Council of Trent, Session XXV, on reform, chapters V and IX. Nor can the priest Borgarello influence the designation of the cleric Corbella, who was designated for the endowment of Gallina, although he was not born in Kosso.

[*Latin ed. p. 348*]

348 Acta Apostolicae Sedis. - Official Commentary. It was stated that Georgii was in the parish of Saint George, and did not reside there. For, as the opinion of the Tribunal of Taurinensis rightly points out, at least one of the conditions established by the Testator was observed in the previous nominations, or, better still, the purpose of the foundation itself was preserved: for a young man, not a priest, had been nominated. Secondly, none of those who were present opposed the nomination. Thirdly, it must not be overlooked that if the will of the Testator was not observed in the previous nomination, it does not necessarily follow that it has lost its force. Furthermore, it does not benefit the priest Borgarello that principle of law brought forward by his patron, which states that a legitimately instituted person should not be removed: for this principle cannot be applied to our

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case for several reasons, especially because in this case, neither a benefice, nor a right of patronage, nor consequently a true and proper presentation, nor an institution to a benefice, is involved. Nor can it be objected to the priest Borgarello that he has peacefully possessed ecclesiastical property for almost a year, nor can the "Rule 35 of the Council of Trent, concerning annual possession" be invoked. For this rule refers to benefices: peaceful possession, at most, grants the priest Borgarello, whose bad faith is not proven elsewhere from the records, the right to the fruits of the property. On the contrary, the nomination of the cleric Sona must be upheld. For he fulfills the conditions prescribed by the Testator for those called to the third degree, namely, that Georgii was born in the parish of Saint George, and resides there, for he maintains his domicile there, he has not yet received Holy Orders, and he is being religiously educated for the sacred ministry in the Seminary of Taurinensis. The only reason for doubt could have been the extinction of both lines, which is a necessary condition in the will of Gallina for the nomination of an outsider. In this matter, it is not for us to judge at present whether the word "extinction" should be understood strictly and properly, or whether it can be understood broadly and improperly; for this question was not at all raised by the parties, but only the fact was inquired of before this Sacred Order, namely, whether both lines were extinct or not. If, in the first instance, the cleric Sona did not prove this extinction, nor even appealed to it, then, in the second instance, at the very least, this extinction must be considered as having been proven by the document of the Syndacus of Cherii, and by the sworn attestation, commonly called the "Atto Notorio," and even more so because no doubt to the contrary was raised by the opposing party, or by those whose interests might have been affected. Nor can it be objected to the cleric Sona that he had or has no further right because he appeared, albeit incompletely, after the lapse of a quarter.

[*Latin ed. p. 349*]

The Roman Rota. 349, after the inheritance had already been conferred. Firstly, the authority of Pitonius, which was cited, pertains to the right of patronage and those who possess an active or passive right to patronage. However, in this case, as has already been stated, the matter concerns ecclesiastical property, not a benefice, and not the right of patronage. Furthermore, the laws concerning patronage, especially those which restrict rights, cannot be extended by analogy to ecclesiastical property. Argument from Reiff., L. I, Decree, Title 11, n. 427 and following. Secondly, the designation of the Reverend Borgarello was null and void from the beginning, because it was made contrary to the will of the testator and the purpose of the pious foundation. Moreover, neither the conferral, nor, more accurately, the admission by the Tribunal of Turin, could confer a title upon him, nor could it remedy a title that was substantially flawed and null. However,

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with regard to the possession of the ecclesiastical property, since there is no doubt from the records and evidence that the Reverend Borgarello acted in good faith, it must be judged that he did, in fact, derive his fruits from it, according to I. 48, Bonae fidei, ff. De acquir. rerum domin. 41, 1, as accepted by canon law; D'Annib., cited, II, 122; Santi, Book II, Title XIII, n. 23, up to the contested issue; Santi, ibid., n. 24; Lega, De Iudiciis I, n. 736 and 738. Therefore, having duly and carefully considered these matters, We, the undersigned Auditors, sitting for the Tribunal, invoking the name of Christ, and with God alone before our eyes, respond to the proposed question as follows: Negatively to the first part; Affirmatively to the second part; that is to say, the designation of the cleric Joseph Sona is upheld; furthermore, We declare that the Reverend Borgarello did derive his fruits from the property up to the time of the contested issue, and that the expenses are to be compensated between the parties. Thus We pronounce, ordering the Ordinaries of the places and the officials of the tribunals to whom this pertains, to enforce this Our definitive sentence, and to proceed against those who resist, according to the norms of the sacred canons, especially chapter 3, session XXV, of the Council of Trent, employing the executive and coercive means that are most effective and appropriate for the circumstances. Rome, January 27, 1912. Aloysius Sincero, Presiding. Joseph Mori. Frederick Cattani. Reverend Tancredes Tani, Notary.

[*Latin ed. p. 350*]

350 Acta Apostolicae Sedis. - Official Commentary. APOSTOLIC SIGNATURE OF MONREALE. RESTORATION TO INTEGRITY AND RIGHTS. Between the canonical Joseph Ajmo, plaintiff, represented by his lawful procurator, Christopher Astorri, advocate, and the Chapter of the cathedral church of Monreale in Mondovì, defendant, represented by his lawful procurator, Angel Alessandri, advocate. In the year 1751, by a public instrument dated March 27th, Peter Viotti, at his own expense, founded a simple benefice in the cathedral church of the city of Monreale in Mondovì, under the title of Saint Peter the Apostle; which he subsequently confirmed in his will on June 6th of the same year, but with the condition that if the male line of descendants from Francis Anthony Grosso should fail, the benefice should be elevated to a canonry, the designation of which would pertain to the Chapter. The pious founder established the following regarding the revenues of this benefice: "Of the total canonical revenues, three parts shall be assigned to the canon for daily distributions; the remaining part shall be allocated to the prebend. Distributions lost due to absence from the choir, except for two months of vacation, if the canonry exists outside of Mass, shall revert to the Chapter's sacristy." Furthermore, the most pious man, in Article 14 of the foundation statutes, regarding the right granted to the Chapter to make appointments, stipulated as follows: "That the Chapter shall have the right, for a period of four months, to

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make said appointments whenever the canonry becomes vacant; in the meantime, if the canonry is not united to the Chapter's Mass, the revenues of the distributions shall accrue to the benefit of the canon being appointed; and if it is united, they shall accrue to the benefit of the other canons for the time that the canonry is vacant, and regarding the fruits and revenues of the prebend, they shall always belong to the succeeding canon, without the Apostolic Chamber, or anyone else, being able to interfere or have any claim whatsoever over the fruits of said prebend and canonry in any of the aforementioned cases, with the exception of the rights belonging to the sacristy." Since the Chapter refused the right of patronage for this benefice as established, the canonry remained outside of Mass; and at the beginning of the 19th century, with the promulgation of French laws in the Subalpine region, it was suppressed, and its goods...

[*Latin ed. p. 351*]

Apostolic Indult. 351. This endowment was granted to the successors of Peter Viotti. Theresia Grosso, a widow from Bongiovanni, having acquired the inheritance of the benefice after the death of others, established the benefice, whose dowry had been reclaimed by the Fiscal authorities, as a canonry, according to the original foundation, with only a few modifications, by a public instrument dated October 29, 1819. This pious woman decreed that, from that time forward, except for the first election reserved for herself, the election, which previously belonged to the Chapter, should be made by the bishop or by the capitular vicar, always with prior consultation and within a period of four months, from among the priests of Monreale. This restoration of the canonry and the new method of election were first approved by the Ordinary of Monreale, and then confirmed by the Sacred Penitentiary Apostolic by a rescript dated January 25, 1821. The Chapter agreed to this, on the condition that "in matters that could concern the Chapter and the sacristy of the cathedral church, the usual practice would be observed in the most recent establishments of new canonries." Subsequently, this canonry took the name of the Viotti-Grosso canonry, and it was never incorporated into the Chapter's mass. In the year 1843, on December 23, the Viotti-Grosso canonry became vacant due to the death of the holder; and four years after the vacancy, that is, in February 1847, after prior consultation, Lawrence Garelli obtained it. At that time, a dispute arose between Canon Garelli and the Chapter of the cathedral concerning the distribution of the revenues of the vacancy. For Canon Garelli claimed them for himself, citing the founding statutes of the canonry; while the Chapter maintained that they belonged to the sacristy of the cathedral. The question, brought before the Senate of Torino, was resolved through a transaction [initiated on January 18 of the year 1848], in which an agreement was reached whereby Canon Garelli was granted the opportunity to contribute 1500 livres from the revenues of the canonry for the four

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years of the vacancy, in favor of the sacristy. Later, on January 16, 1871, the canonry became vacant through the resignation of Stanislaus Eula, and, after deliberation, the priest John Lanza obtained it, and he was duly inducted into possession of the same benefice according to canon law. However, since this canonry was outside the number of twelve benefices that civil authority permits, the civil government denied approval, commonly called the Royal Placet, to the bishop's grant. Therefore, Canon John Lanza never participated in the Chapter, and after twenty-two years, when he had been appointed prefect of the royal basilica on September 15, 1894, he relinquished the Viotti-Grosso benefice. To fill the vacant canonry, after prior consultation, the priest Joseph Ajmo was elected by a papal bull dated October 22, 1894, which was also confirmed on July 16 of the following year by the Royal Placet; however,

[*Latin ed. p. 352*]

352 Acta Apostolicae Sedis. - Official Commentary. On January 7, 1900, he voluntarily relinquished the same canonry, having obtained the parish of Carcassonne. However, in the same year, namely 1894, in which he obtained the canonry, Joseph Ajmo, deeply moved by the authority of a distinguished jurist from Taurinensis, began to act with the general administration of Taurinensis, so that the fruits of the canonry, namely the distributions, which had flowed during his tenure, from the beginning of the year 1871 until July 16, 1895, would be attributed to him through the processing of the foundation documents of the canonry. However, Reverend Ajmo was forced to relinquish the fruits of the prebend, or the endowment of the canonry itself, because the administration absolutely refused to restore them to him, claiming them as rightfully belonging to the royal treasury. After more than two years of fruitless administrative efforts, Canon Ajmo, abandoning extra-judicial proceedings, initiated a legal action against the royal administration before the civil court on July 4, 1898, seeking the restoration to him of three out of four parts of the fruits of the Viotti-Grosso benefice, namely the choral distributions that had occurred during the same period. The pursuit of a legal remedy was encouraged by the example of the Fabrianen cathedral chapter, which had achieved victory in a similar case. However, while the litigation was pending, the royal administration, citing Article 14 of the canonry's foundation, which states "a riserva dei diritti di sacristia" (with reservation of the rights of the sacristy), objected to any rights that might arise from the part pertaining to the sacristy. Therefore, Canon Ajmo requested the cathedral chapter of Montis Regalis to intervene in the case to protect the sacristy and its rights. The chapter, after Canon Ajmo committed to covering the expenses of the case, agreed through a deliberation on September 6, 1899, stating that the chapter, together with Canon Ajmo, would stand in the lawsuit "to support and demand that, should the

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requests of the aforementioned Canon Ajmo not be granted, the three-quarters of the revenues from the assets forming the endowment of Canon Viotti-Grosso, which were assigned by the foundation for choral distributions, for the entire period that the canonry itself was vacant, from January 16, 1871, to July 16, 1895, be recognized and declared as the exclusive property of the cathedral chapter of Mondovì, and in any case, of the cathedral sacristy." The intervention of the chapter occurred four years after the lawsuit was initiated before the civil court, at the urging of the plaintiff, Canon Ajmo. Indeed, the royal administration, foreseeing a very difficult outcome for its case, resorted to a settlement, which was formalized through a stipulation on March 21, 1900, between the aforementioned plaintiff, Canon Ajmo, and the royal administration. The cathedral chapter ratified the settlement with its consent in the same year. As a result of this settlement, the royal administration obligated itself to immediately pay the sum of 12,000 livres to Canon Ajmo for the daily distributions, and the latter, in turn, obligated himself to release the royal administration from...

[*Latin ed. p. 353*]

Section 353, Apostolic Matters. Regarding complaints or grievances arising from any action or omission by the Chapter and the sacristy of the cathedral church of Monreale. The sum of 12,000 livres, received from the royal treasury, was reportedly spent by the priest Ajmo, who, having become the parish priest of Carassone, had relinquished his canonry, on the restoration of the parish rectory. It should be noted that immediately after receiving the sum of 12,000 livres from the royal treasury, one of the canons of the cathedral Chapter, Ajmo, was granted an exception, as we have seen above, by the royal treasury with respect to the rights reserved to the sacristy in article 14 of the foundation statutes (for which exception, in order to remove certain obstacles, the same Chapter had intervened in the matter), to negotiate with Canon Ajmo regarding the protection of the sacristy's eventual rights. Ajmo declared himself willing to acknowledge these rights, provided they were clearly proven. Subsequently, an agreement was reached between the parties to appoint a commission, as is commonly done, of three canons, for the purpose of determining what portion of the sum received from the royal treasury, which had been claimed by the sacristy through the work of Ajmo, truly belonged to the sacristy. It is unclear whether the aforementioned commission issued its opinion, or whether the opinion issued by it was actually heeded by the sacristy. Certainly, in the year 1908, Canon Thomas Garelli, who held the office of "Magnum Sacrista" in the cathedral church of Monreale, brought the matter of the sacristy's rights concerning the fruits of the Viotti-Grosso canonry to the attention of Ajmo. To resolve the issue, the same Canon Garelli proposed to Ajmo that it be settled amicably before the Sacred Con-

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gregation of the Council. Here, the evolution of the controversy becomes quite complex, with the parties contradicting each other. The priest Ajmo complains that Canon Garelli initiated an action against him before the Sacred Congregation of the Council, without previously communicating to him the grounds for the action and the supporting documents; indeed, he testifies that he was completely unaware that a case had actually been brought before the Sacred Congregation of the Council. On the other hand, the representative of the Chapter asserts that Ajmo used all possible means to avoid judgment before the Sacred Congregation, or at least to delay it; and therefore, he was not unaware of the proceedings initiated in Rome. Whatever the case may be, it is certain that the matter was brought before the Sacred Congregation of the Council, which, in a plenary session on August 22, 1908, decided that "half of the sum of 12,000 livres should be allocated to the cathedral sacristy, and that the same should be paid by the canon Ajmo, in annual installments to be determined by the bishop." After this sentence was announced to the priest Ajmo, the Ordinary of the diocese of Monreale established that he should pay 6,000 livres to the Chapter for three years. However, Ajmo refused to comply and, relying on certain reasons, initiated an action before the Sacred Congregation of the Council for the restitution of the aforementioned sum.

[*Latin ed. p. 354*]

354 Acta Apostolicae Sedis. - Official Commentary. For the complete restoration of rights, against the decision of the aforementioned Congregation of the day of August 22, 1908. After a report on these matters was presented to His Holiness in an audience on May 2, 1911, by the Most Reverend Cardinal Prefect of the Sacred Congregation of Councils, His Most Holy Name graciously deigned to approve that the matter be referred to the Apostolic Signatura, with the necessary and appropriate powers, both to consider the matter of complete restoration, and also, if necessary, to examine the merits of the case. Therefore, the case was thoroughly examined in the ordinary session of the Supreme Tribunal held in the buildings at the Vatican on March 23 of the current year, 1912, with the Most Reverend Father, Doctor Francis of Paula, Cardinal Cassetta, as the relator; and with the doubts already agreed upon by the parties, namely: I. Is there a basis for complete restoration in this case? And, assuming an affirmative answer to I, II. Does Canon Ajmo have the right to retain the sum in this case, or rather, is he obligated to pay it to the Chapter? The Most Eminent Judges responded: To I: Negatively. To II: Provided in I. Furthermore, in the judicial expenses, the Supreme Tribunal condemned and condemns Canon Joseph Ajmo. And thus it was issued, pronounced, decreed, declared, and definitively judged; and it was ordered that this definitive sentence be made public and that it be enforced by all to whom it applies, not only, etc., but also by all, etc. Given at Rome, from the offices of the Sacred Tribunal, on

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April 15, 1912. Nicolaus Marini, Secretary. L. © S. Joseph against Fornari, S. T. A.

[*Latin ed. p. 355*]

Secretariat of State. 355 LETTERS FROM THE SECRETARIAT OF STATE. I. • "TO THE MOST REVEREND FATHER FREDERICK FUZET, ARCHBISHOP, AS A TOKEN OF FILIAL REVERENCE, THE HOLY CHURCH OF ROTHOMAGENSEM, IN OBEDIENCE, PRESENTS THIS LETTER." TO THE MOST BLESSED FATHER, who, "HAVING SHOWN AN EXAMPLE," Monseigneur, The Holy Father, Pope Pius X, expressing his gratitude for the dispatch of your letter concerning "the apostolicity of the churches of Provence," entrusts me with the most agreeable task of congratulating you, in His name, on these pages filled with interest, charm, and vigor, which are, indeed, very firm against reprehensible tendencies, but devoid of bitterness towards persons. Nothing can be more pleasing to the Supreme Pontiff than the reminder of the fundamental principles and the rules of the true historical and apologetic method, brought about, with the doctrinal authority that is attached to their person and their office, by those whose duty and honor it is to lead the ranks of the defenders of pure orthodoxy. The considerations, so just and so victorious, of Your Eminence regarding the fact of a very lively and very glorious tradition for the churches of Provence, can be applied to many other questions distorted, under the guise of pompous erudition, by a so-called more advanced science, and which is no more certain of itself. May these considerations serve as a warning against the excesses of a presumptuous criticism of well-intentioned minds, and may they help them to discover, in the tradition carefully examined, even in the absence of written documents, the manifest proofs of the truth of beliefs. May your fine example be a stimulus and an encouragement for upright and vigorous minds who employ their strength and talent to enlighten Christian souls in all regions of the intellectual domain, and to ward off from them the contagious effects of poison.

[*Latin ed. p. 356*]

356 Acta Apostolicae Sedis. - Official Commentary. containing more or less subtle elements of modernism, and the venom, more or less disguised, of hypercriticism. With paternal congratulations, the Holy Father sends you, as a pledge of heavenly favors, the apostolic blessing, which He extends, on this occasion, to all courageous writers, animated by the spirit of God, filled with the zeal of doctrine and the love of truth, who unite their efforts against the assertions of a reckless science and valiantly raise the cry of alarm against the false wisdom of the age. I, in turn, thank you for the copy of the same letter which you graciously sent me, and I pray you, Monsignor, to accept, along with my personal congratulations, the renewed

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assurance of my entire devotion in Our Lord. April 22, 1912. R. CARD. MERRY DEL VAL. TO THE ILLUSTRIOUS LORD COUNT KELLER, PRESIDENT OF THE CATHOLIC ASSOCIATION "FOR THE DEFENSE OF RELIGION" IN GALLIA, REGARDING THE ANNUAL REPORT ON THE WORKS ACCOMPLISHED BY SAID ASSOCIATION. My Lord the Count, The Holy Father, Pope Pius X, was very pleased by the sentiments of filial piety expressed in the noble address with which you were eager to offer Him the report on the works of the year 1911, "of the Catholic Association for the Defense of Religion." It is with particular interest that the Supreme Pontiff has taken knowledge of this report, and He was pleased to see the consoling progress of your work, as well as the increasingly valuable results that your generous efforts and those of your devoted collaborators have achieved for the Church and for your beloved homeland, amidst the difficulties and trials of the present time. His Holiness is not unaware of the powerful contribution that the Association for the Defense of Religion brings to various works, in particular to the organization of Catholics, and the part it takes in diocesan committees and congresses. Congratulating you, along with the Members of the Association, for your zeal and your tireless dedication, the Holy Father thanks you for your...

[*Latin ed. p. 357*]

Diarium Romanae Curiae. 357 tributes, and with this new expression of filial obedience, He generously grants to all the apostolic blessing, a guarantee of abundant divine favors. I beg you, Monsieur le Comte, to accept, along with my congratulations and wishes, the assurance of my high esteem and devoted sentiments in Our Lord. April 23, 1912. R. CARD. MERRY DEL VAL. DIARIUM ROMANAE CURIAE S. CONGREGAZIONE DEL S. OFFIZIO. NOTICE OF COMPETITION. By order of the Most Reverend Cardinals, General Inquisitors, issued on Thursday, May 1, 1912, a competition is announced for a vacant position in the Chancery of the Holy Office, Indulgences Section. Therefore, the Reverend Priests who wish to participate are invited to submit to the undersigned, no later than the 17th of the current month, their application with the relevant requirements for admission to the written examination, which will take place on the 31st of the same month in the Palace of the Holy Office, at 9:30 AM. From the Palace of the Holy Office, May 8, 1912. L. Castellano, Notary. S. CONGREGAZIONE DEI RITI. ORDINARY CONGREGATION. On April 30, 1912, in the Vatican Apostolic Palace, the Ordinary Congregation of the Sacred Rites was held, in which the following matters were presented for the judgment of the Most Reverend and Most Reverend Cardinals who comprise the same: I. Introduction of the Cause of Beatification and Canonization of the Servant of God, Emanuele Ribera, professed priest of the Congregation of the Most Holy

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Redeemer.

[*Latin ed. p. 358*]

358 Acta Apostolicae Sedis. - Official Commentary. II. Confirmation of the cult, for a long time immemorial, offered to the servants of God, Simeon, Falcone, Marino, Benincasa, Peter II, Balsamo, Leonardo, and Leo II, Benedictine Abbots of the Most Holy Trinity of Cava dei Tirreni; III. Revision of the writings of the Servant of God, Charles Dominic Albini, Priest of the Oblates of Mary Immaculate; IV. Revision of the writings of the Servant of God, Francis Xavier Seelos, Professed Priest of the Congregation of the Most Holy Redeemer. SECRETARY OF STATE. BY ORDER. With a note from the Secretary of State, the Holy Father deigned to appoint: May 6, 1912. — The Reverend Father Giuseppe Drehmans, of the Congregation of the Most Holy Redeemer, Consultor of the Holy Congregation of the Holy Office. With notes and briefs from the Secretary of State, the Holy Father deigned to appoint: Domestic Prelates of the rank of Monsignor: March 6, 1912. — Monsignor Carlo Gallina, Honorary Canon of the Cathedral of Treviso. April 24. — Monsignor Antonio Uhide, of the diocese of Bayonne. April 30. — The Reverend Josafat Sobierajski, Canon of the Cathedral of Cracow. May 4. — The Reverend Canon Gabriele Parel, formerly General Vicar of the diocese of Martinique. HONORS. With notes and briefs from the Secretary of State, the Holy Father deigned to bestow the following honors: The Grand Cross of the Order of Saint Gregory the Great, military class: April 19, 1912. — To the Most Noble Count Lazzaro de Henckel-Donnersmark, President of the Union of Knights of Malta of Silesia.

[*Latin ed. p. 359*]

From the Roman Curial Diary. 359. The Order of Saint Gregory the Great, civil class: April 15, 1912. — To Mr. Paolo Wagner, of the diocese of Breslau. April 23. — To Mr. Antonio Thonier, of the diocese of Moulins. April 26. — To Mr. Luigi Edoardo Boizel, of the diocese of Châlons (Autun). The Order of Pope Saint Sylvester: April 17, 1912. — To Mr. Giuseppe Astorri, engineer, of Rome. April 29. — To Mr. Luigi Galtier, of Bordeaux. The Knighthood of the Order of Saint Gregory the Great, civil class: April 10, 1912. — To Mr. Paolo Chaîne, of the archdiocese of Lyon. April 11. — To Mr. Adolfo Trillard, of Martinique. April 15. — To Mr. Paolo Agostino Giuseppe Delepoulle, of the archdiocese of Cambrai. April 16. — To Mr. Paolo Mertz, of the diocese of Breslau. April 17. — To Mr. Antonio Gaspare Rodolfo Dreesmann, of the archdiocese of Utrecht. — To Mr. Guglielmo Germano Vroom, of the diocese of Haarlem. April 26. — To Mr. Maurizio Dumont, of Versailles. — To Mr. Francesco Mandi, of the archdiocese of Prague. April 27. — To Mr. Goffredo Enrico Simonis, of the diocese of Bois-le-Duc. April 29. — To Mr. Enrico de Porquier de Lagarrigue, President of the Society of Saint Francis Regis of Bordeaux. — To Mr. Edoardo L. Hearn, residing in

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New York. The Knighthood of the Order of Pope Saint Sylvester: April 13, 1912. — To Mr. Celestino Krebs, of the diocese of Warmia. April 17. — To Mr. Leandro Czerniewski, residing in Pau. April 18. — To Mr. Domenico Giordano-Apostoli, engineer, of Rome. — To Mr. Ignazio Weirich, Professor. With letters from the Secretariat of State, the Holy Father deigned to appoint: Honorary Secret Chamberlains: April 3, 1912. — Monsignor Giovanni Rho, of the archdiocese of Turin. April 16. — Monsignor Antonio Kjuder, of the diocese of Trieste. April 19. — Monsignor Innocenzo Angeloni, of the archdiocese of Gaeta.

[*Latin ed. p. 360*]

360 Acta Apostolicae Sedis. - Official Commentary. April 26, 1912. — Monsignor Amedeo M. L. Crooy, of the archdiocese of Malines. — Monsignor Giovanni M. F. E. G. Van Cauwenbergh, of the archdiocese of Malines. — Monsignor Carlo Mazzoleni, of the diocese of Bergamo. May 2. — Monsignor Giacomo Kasper, of the diocese of Leitmeritz. Honorary Chamberlains of His Holiness, wearing purple cassocks: April 16, 1912. — Monsignor Pietro Blasi, of the archdiocese of Acerenza. May 2. — Monsignor Giovanni Battista Pè, of the diocese of Brzesc. May 7. — Monsignor Giuseppe Pagliuca, of the diocese of Muro Lucano, Rector of the Diocesan Seminary. Honorary Chamberlains *extra Urbem* (outside the city): April 16, 1912. — Monsignor Michele Pecci, of the diocese of Cava. — Monsignor Alfonso M. Agius, of the diocese of Malta. April 26. — Monsignor Ignazio Magdics, of the archdiocese of Strigonia. May 7. — Monsignor Vincenzo Czajkowski, of the same archdiocese. Honorary Chaplains *extra Urbem*: April 17, 1912. — Monsignor Nicola Weicher, of the diocese of Alba Reale. — Monsignor Stefano Dornis, of the same diocese. April. — Monsignor Antonio Ecker, of the archdiocese of Vienne. Honorary Secret Chaplain. April 26, 1912. — Monsignor Ferdinando Pawlikowski, Secretary of the Austrian *Castrense* Consistory. Honorary Secret Chamberlain of Sword and Mantle, *supernumerarius* (beyond the regular number) of His Holiness: April 24, 1912. — The Most Reverend Mr. Riccardo Preston, of the archdiocese of Westminster. NECROLOGY. May 2, 1912. — Monsignor Pietro Balestra, of the Minor Conventuals, Archbishop of Cagliari.

[*Latin ed. p. 361*]

Year IV. - Volume IV. May 31, 1912. No. 10. ACTA OF THE APPOSTOLIC SEE. OFFICIAL COMMENTARY. ACTA OF POPE PIUS X. APOSTOLIC LETTERS. I. SPECIAL PRIVILEGES ARE GRANTED TO THE PIOUS UNION FOR COMMUNION OF CHILDREN ESTABLISHED IN THE HOLY CITY. PIUS PP. X. For the perpetual memory of this event. — We rejoice, following in the footsteps of Our Predecessors, the Roman Pontiffs, and with a willing heart, to enrich, through the bestowal of

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heavenly graces, which the Most High has divinely entrusted to Us, those societies of the faithful canonically instituted, especially those dedicated to the promotion of good works. With this intention, as the General Procurator of the Congregation of the Most Holy Sacrament urges Us in fervent prayers, We deem it fitting to grant certain special favors, born of Apostolic benevolence, to the pious Union for the Communion of Children, canonically established in this Holy City, near St. Claudius, which We, through similar Apostolic Letters bearing the seal of the Fisherman, elevated to the rank of Primary on the fourth day of the month of January of the current year. Therefore, confident in the mercy of Almighty God and in the authority of the Apostles SS. Peter and Paul, and having also heard the Most Reverend and Most Reverend Cardinals, General Inquisitors of the Holy Roman Church, We grant that all and each of the faithful who shall hereafter enter into said Primary Union for the Communion of Children, if, on the first day of their enrollment in said society, they have been duly absolved through a worthy confession and have received the heavenly sacraments,

[*Latin ed. p. 362*]

362 Acta Apostolicae Sedis. - Official Commentary. We hereby grant, with all the blessings, that those who visit the church or a public oratory, and there offer devout prayers for the concord of Christian princes, the eradication of heresies, the conversion of sinners, and the exaltation of the Holy Mother Church, may receive, with merciful kindness in the Lord, a plenary indulgence and remission of all their sins. Furthermore, to those inscribed, as well as to those who will be inscribed in the future, who are members of the Primary Union, who each year, on the day when the feast of the Most Holy Body of Christ of the Lord is celebrated in the church, and on the feast days of Saint Tarsicius the Martyr, Saint Thomas Aquinas, and Saint Paschal Baylon, as well as on the Thursday of the greater week, from noon on the preceding day until the end of the respective feast day, who, having duly confessed their sins through the sacrament, and having been refreshed at the Angelorum repasts, although they are present in the church or public oratory, offering prayers as mentioned above, on the day that they perform these actions, we also grant a plenary indulgence for their sins. Moreover, to these same members, now and in the future, who are members of the aforementioned Primary Union, whether they are admitted or to be admitted, if, on the day that they lead a child to the altar to receive the Holy Communion for the first time, they themselves also partake of the Holy Eucharist; and if, on the day that the general Communion of children is held, they approach the Holy Synaxis in the church where such a service is celebrated, and if they also pray properly, as previously prescribed, we grant them, as we have said, a plenary indulgence and remission of sins. Finally, to these same members, now and in the future, who

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are members of this Primary Union, whenever they perform an act of piety or charity according to the rules and purpose of the Sodality, with at least a contrite heart, we shall, in the usual manner of the Church, remit one hundred days from the number of days of penance. Finally, it is permissible for these present and future members to expiate the blemishes and penalties of their past life through these plenary and partial indulgences, if they so wish. Notwithstanding any contrary provisions. These are valid perpetually. Given in Rome, at Saint Peter's, under the Fisherman's ring, on the twenty-sixth of March, 1912, in the ninth year of Our Pontificate. L. S. R. CARD. MERRY DEL VAL, Secretary of State.

[*Latin ed. p. 363*]

Acta Pii PP. X. 363: INDULGENCES, BOTH PLENARY AND PARTIAL, ARE GRANTED TO CONGREGATIONS OF YOUNG WOMEN AND WOMEN NAMED AFTER SAINT ELIZABETH IN THE DIOCESE OF VARMIENSIS, AND TO THEIR BENEFACTORS. PIUS PP. X., FOR THE PERPETUAL COMMEMORATION OF THIS MATTER. – We have learned with joy that pious congregations of young women and women exist in the diocese of Varmiensis, which, canonically established under the title of Saint Elizabeth, propose the same end that the confraternities named after Saint Vincent de Paul seek to achieve. That such associations may experience greater growth in God and that more members may devote themselves to their work, after the prayers of the venerable Bishop Augustine of Varmiensis have been graciously received, and after the Most Reverend Cardinals, Inquisitors General, have also been heard, We grant, for the future, to all young women or women who enter any of the aforementioned congregations, existing in the diocese of Varmiensis, a plenary indulgence on the first day of their entry, provided that they have sincerely repented and confessed, and have received the most holy Sacrament of the Eucharist. Furthermore, to all members of these congregations, described above, both present and future, who, at the hour of their death, have also sincerely repented and confessed, and have received the holy Communion, or, if they are unable to do so, at least have been contrite, and if they can, have invoked the name of Jesus with their mouth, and have devoutly called upon Him in their heart, a plenary indulgence is also granted. Moreover, to all members of the aforementioned congregations, both present and future, who have sincerely repented and confessed, and have been nourished with the heavenly food, and who, on the feast days of the Blessed Virgin Mary, assumed into Heaven, of Saint Joseph, the most chaste spouse of the same Virgin Mother of God, of the Most Holy Name of Jesus, or the second Sunday after Epiphany of the Lord, of Saint Vincent de Paul, and of Saint Elizabeth, from noon on the preceding days until the end of these feast days, devoutly visit each year the respective church or chapel of these

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congregations, and there offer pious prayers to God for the concord of Christian princes, for the eradication of heresies, for the conversion of sinners, and for the exaltation of the Holy Mother Church, a plenary indulgence is likewise granted on the day that they perform these actions. Finally, to all the faithful who have deserved well of such congregations, and who have also sincerely repented and confessed, and have received the Holy Communion, or who have visited the church or chapel of the Most Holy Name of Jesus or of Saint Elizabeth, as mentioned above, and who have prayed there, as stated above; or who have,

[*Latin ed. p. 364*]

Acts of the Apostolic See. - Official Commentary. To those who, at the hour of death, are unable to receive Holy Communion, provided they have, with contrite heart, invoked the name of Jesus, either with their lips or in their heart, we grant, with merciful kindness in the Lord, a plenary indulgence and remission of all their sins. Finally, we grant that to both the members and the aforementioned benefactors, who, truly penitent and having confessed, and having received the Holy Communion, have performed works of piety in the churches of the aforementioned Congregation during the feasts of the Conception, Nativity, Annunciation, Visitation, and Purification of the Blessed Virgin Mary, as well as on the Friday after Sunday of the Passion, and have fulfilled all that is prescribed, we remit for seven years, and also for forty days, all the prescribed penances or any other debts of penance, in the usual form of the Church. We declare that all these indulgences, remissions of sins, and relaxations of penances, with the exception of the plenary indulgence to be obtained at the hour of death, can also be applied, for the benefit of the souls of the faithful who, united with God in charity, have departed from this life, as a form of suffrage. This applies notwithstanding any objections to the contrary. These present decrees are to be perpetually valid. We wish that to these present letters, whether transcribed or printed, and signed by the hand of a public notary, or sealed with the seal of a person constituted in ecclesiastical dignity, the same faith be given as would be given to these present documents if they were exhibited or shown. Given in Rome, at St. Peter's, under the Fisherman's Ring, on the 4th day of April, 1912, in the ninth year of Our Pontificate. R. CARD. MERRY DEL VAL, Prefect of the Congregation of the Holy See. L.)$(S. LETTER. TO THE MOST REVEREND FATHER DOM SILVERÍO GOMES PIMENTA, ARCHBISHOP OF MARIANNENSE, AS A GREETING ON THE OCCASION OF THE FIFTIEITH ANNIVERSARY OF HIS PRIESTHOOD. Venerable brother, greetings and the apostolic blessing. — We have gladly received news of the anniversary of your fiftieth year as a priest, and we heartily congratulate you, venerable brother, and pray that all that is good may come from God. This is a testimony of our benevolence, as your piety towards Us is something we have carefully observed, and we,

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as is fitting, acknowledge it greatly, along with the praiseworthy manner in which you govern the diocese, fulfilling the duties of a good pastor and deserving of abundant heavenly rewards. — May new additions to your merits always be made as time passes; we implore God to keep you, for as long as possible, with Us and with your flock, and to increase your heavenly grace in every way.

[*Latin ed. p. 365*]

Sacred Congregation of the Consistory. 365. In the meantime, so that the solemnities of your priesthood may bring greater joy to you and to your faithful, and may be spiritually beneficial, on the recurring anniversary of this sacred celebration, We grant you the Papal faculty of imparting the blessing with a plenary Indulgence, in the customary form of the Church, to be enjoyed by all who participate in the sacred rites. – May the Apostolic blessing, a sign of Our good will towards you, be abundantly bestowed upon you, venerable brother, and upon all those for whom your watchful care is concerned, in the Lord. Given in Rome, at St. Peter's, on the thirty-first day of March, in the ninth year of Our Pontificate. PIUS PP. X. SACRED CONGREGATION OF THE CONSISTORY • • i. DECREE. CONCERNING THE RESIDENCE OF THE BISHOP OF ATUREN. To the diocese of Ature, a new pastor having been appointed, doubts arose concerning the most suitable location for the episcopal residence, which were duly presented to the Apostolic See. Therefore, Our Most Holy Lord, Pope Pius X, having carefully considered all matters and heard the opinion of those who were well versed in the matter, decreed that the residence of the Bishop of Ature should be preferred above all other proposals. Wherefore, in execution of this Pontifical decree, it is established by this Consistory Decree that the Bishop of Ature shall choose and establish his ordinary residence in the city of Ature itself, where the cathedral church with its chapter is located, and that he shall provide suitable dwellings there, both for himself and for the major seminary, as long as it is possible for him to be present there. However, in view of special circumstances, it is permissible for him to reside temporarily in the place commonly called Dax, until the aforementioned condition of acquiring buildings in the city of Ature is fulfilled. Provided that no one does otherwise. Given in Rome, from the offices of the Sacred Congregation of the Consistory, on the first day of April, 1912. C. CARD. DE LAI, Bishop of Sabina, Secretary. Scipio Tecchi, Assistant.

[*Latin ed. p. 366*]

366 Acta Apostolicae Sedis. - Official Commentary. BISUNTON. ERECTION INTO A COLLEGIATE CHURCH IN HONOR OF. Our Most Holy Lord Pope Pius X, by decree of the Sacred Congregation of the Consistory of May 20, 1912, deigned to raise the church of the Holy Ferreolus and the martyrs Fornicio, in the territory commonly called Saint-Ferjeux, near

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Besancon, to the perpetual title of Collegiate Church in honor, so that its rector or parish priest for the time being, and those who assist him in the care of souls, as soon as they are legitimately appointed and during the time they hold that office, may be called and may be honorary canons. III. PROVISIONS FOR CHURCHES. By successive decrees of the Sacred Congregation of the Consistory, Our Most Holy Lord Pope Pius X provided for the following churches with their proper pastors, namely: April 10, 1912. – He appointed the Reverend Ferdinando Fiandaca, formerly Bishop of Nicosia, to the Cathedral Church of Patti. April 15. – He appointed the Most Reverend Joseph Camassa, already Bishop of Melphe and Rapolla, to the titular archiepiscopal Church of Trapezunta. April 22. – He appointed the Reverend Raphael Santi, of the archdiocese of Bologna, who was the parish priest of the place commonly called "Pieve di Budrio" there, to the Cathedral Church of Feretrana. April 29. – He appointed the Reverend Andrea Caron, formerly Bishop of Ceneta, to the Metropolitan Church of Ianuensi (Genoa). – He appointed the Reverend Father Aloysius (in the world, Stephen) Misic, O. F. M. of the Leonian Union, to the Cathedral Church of Mandetria. – He appointed the Reverend Anthony Papp, apostolic protonotary, domestic prelate of His Holiness, and general vicar of the Ruthenian diocese of Munchaczia, to the titular episcopal Church of Lyria, and constituted him coadjutor with the right of future succession to the Reverend Julius Firczak, Bishop of Munchaczia.

[*Latin ed. p. 367*]

Sacred Congregation for the Propagation of the Faith. 367 SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH I. DECREE. CONSOLIDATION OF TERRITORIES. In order that the benefit to the Christian faithful and the spread of the Faith in the civil prefecture of Tsinkyhiem, belonging to the Apostolic Vicariate of Sutchuen Southern in China, might be more easily and fruitfully promoted, the Most Reverend Ordinary of said vicariate, Reverend Father Doctor Marcus Chatagnon, titular Bishop of Chersonesus, requested from the Holy See that the aforementioned prefecture be separated from its mission and added to the Apostolic Vicariate of Kientchang, which was established two years ago. Concerning this matter, the Most Reverend and Venerable Fathers Cardinals of this Sacred Congregation for the Propagation of the Faith, in a general meeting on the first day of the month, instituted an examination, and, after maturely considering the reasons presented, decided that the civil prefecture of Tsinkyhiem should be separated from the Apostolic Vicariate of Setchuen Southern, and assigned to the Vicariate of Kientchang, whose Ordinary, Reverend Father Doctor John Baptist De-Guébriant, titular Bishop of Euroea, declares himself prepared to undertake the spiritual governance of that region as well. This decision of the Most Reverend Fathers was ratified and approved by the Most Holy

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Pope Pius X, after he had been informed of it by the Reverend Father, Secretary of this Sacred Congregation, in an audience on the twenty-second day of the same month, and the present decree of this Sacred Congregation was ordered to be drawn up. Given at Rome, from the offices of the Sacred Congregation for the Propagation of the Faith, on the thirtieth day of April, in the year 1912. Fr. H. M. CARD. GOTTI, Prefect. L. © S. Camillus Laurenti, Secretary.

[*Latin ed. p. 368*]

368 Acta Apostolicae Sedis. - Official Commentary. II. APPOINTMENTS OF BISHOPS. The following were appointed by Apostolic Briefs: April 19, 1912. — The Bishop of Kandiensis (Kandy) in the Orient, Reverend Father Beda Beekmeyer, of the Congregation of Saint Benedict, O.S.B. April 24. — The titular Bishop of Gargarensis and Apostolic Vicar of Upper Nile, Reverend Father Ioannes Biermans, of the Society of the Missionaries of Saint Joseph of Mill-Hill. April 27. — The titular Bishop of Curubitanus and Apostolic Vicar of the new maritime Vicariate of Oe-li in China, Reverend Father Pauius Dumond, of the Institute of Priests for the Mission. III. APPOINTMENT OF AN APOSTOLIC PROPRECTOR. By decree of the Holy Congregation for the Propagation of the Faith, the following was appointed: May 14, 1912. — Reverend Father Liberatus ab Exel, of the Order of Friars Minor Capuchin (formerly Iacobus Cluts), as the first Apostolic Propretor of the new Apostolic Prefecture of Sumatrana. IV. CESSATION FROM OFFICE. Our Most Holy Father Pope Pius X, in an audience on May 2, 1912, graciously accepted the resignation of Reverend Father D. Guilelmi Miller, titular Bishop of Eumenensis, from the office of Apostolic Vicar of Transvaal.

[*Latin ed. p. 369*]

The Holy Congregation of the Index, 369. HOLY CONGREGATION OF THE INDEX. DECREE WHEREBY CERTAIN WORKS ARE PROHIBITED. Tuesday, May 6, 1912. The Holy Congregation of Eminent and Reverend Cardinals of the Holy Roman Church, having been appointed by the Most Holy Pope Pius X and the Holy Apostolic See to oversee the examination of books of pernicious doctrine, and their condemnation, expurgation, or permission throughout the Christian republic, and having met in the Apostolic Palace at the Vatican on May 6, 1912, condemned and condemns, prohibits and forbids, and orders that the following works be placed on the Index of Prohibited Books: ABBÉ JULES CLARAZ, *Le mariage des prêtres*. Paris, 1911. IZSÓF ALAJOS, *A gyakori szent âldozas és az életpszicliologia*. Budapest, 1910. TH. DE CAUZONS, *Histoire de l'inquisition en France*. Paris, 1909. Therefore, no person of whatever rank or condition shall dare to publish, or to read or retain, the aforementioned works, which have been condemned and prohibited, in any place or

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language, under the penalties indicated in the Index of Prohibited Books. These matters having been reported to the Most Holy Pope Pius X by me, the undersigned Secretary, His Holiness approved the Decree and ordered it to be promulgated. In witness whereof, etc. Given at Rome, on May 9, 1912. F. CARD. DELLA VOLPE, Prefect. L. © S. Thomas Esser, O. P., Secretary.

[*Latin ed. p. 370*]

370 Acta Apostolicae Sedis. - Official Commentary. II. DOUBT. The Sacred Congregation of the Most Eminent and Most Reverend Cardinals of the Holy Roman Church, by order of the Most Holy Pope Pius X and the Holy Apostolic See, concerning the listing of books of false doctrine, their condemnation, expurgation, and permission within the entire Christian republic, having met in the Apostolic Palace at the Vatican on May 6, 1912, regarding the following question: "Whether a Bishop of a diocese, in which an author not subject to him desires to have a book, already examined by his own Ordinary and judged worthy of publication, made publicly available, can permit the printing of this book, without obliging it to be subjected to a new censorship?" It was decided that: "Affirmatively, adding the judgment 'Nothing to impede' from another censor of the diocese, transmitted to him by this Ordinary." These matters, having been reported to the Most Holy Pope Pius X by me, the undersigned Secretary, His Holiness confirmed the response of the Most Eminent Fathers and ordered it to be promulgated. Given at Rome, on May 9, 1912. F. CARD. DELLA VOLPE, Prefect. L.üßS. Thomas Esser, O. P., Secretary. SACRED CONGREGATION OF RITES. I. BLESSING OF A MACHINE FOR EXTINGUISHING FIRE. (for the entire ecclesiastical province of Prague). The clergy, from the nearest church, or from another prepared place, proceed to the location where the machine is to be blessed, singing or reciting: Antiphon: "The fire is subdued, and has forgotten the way of its power: that your sons, whom you have loved, O Lord, may be preserved unharmed."

[*Latin ed. p. 371*]

Sacred Congregation of Rites. 371 Psalm 65. "Jubilate Deo, omnis terra, psalmum dicite Domino." And it is repeated: "The fire is made gentle, etc." The antiphon is repeated, the Celebrant, with the responses of those present, says: "Kyrie, eleison." "Christe, eleison." "Kyrie, eleison." "Pater noster," (in secret, up to) "and lead us not into temptation." "Libera nos a malo." "Salvos fac servos tuos." "Deus meus, sperantes in te." "Mitte eis, Domine, auxilium de Sion." "Et de Sion tuere eos." "Nihil proficiat inimicus in eis." "Et filius iniquitatis non apponat nocere eis." "Benedicite, ignis et aestus, Domino." "Laudate et superexaltate eum in saecula." "Benedicite, filii hominum, Domino." "Laudate et superexaltate eum in saecula." "Qui liberat nos de medio ardentis flammae." "Et de medio ignis

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erui nos." "Confitemini Domino, quoniam bonus." "Quoniam in saeculum misericordia eius." "Adiutorium nostrum in nomine Domini." "Qui fecit caelum et terram." "Domine, exaudi orationem meam." "Et clamor meus ad te veniat." "Dominus vobiscum." "Et cum spiritu tuo."

LET US PRAY. O God, who by your Angel tempered the flames of the furnace in which the three children were placed in Babylon: extinguish, we beseech you, all the fires of vices in our hearts, through your right hand, that we may be delivered from temporal fires, and freed from eternal flames. Through Christ our Lord. Amen.

LET US PRAY. O God, whose hands hold us, and our words, and all wisdom, and the knowledge of works, and discipline: assist your servants, that whenever we are in distress, threatened by the peril of fire, we may be strengthened by the help of your ingenuity. Through Christ our Lord. Amen.

[*Latin ed. p. 372*]

Acts of the Apostolic See. - Official Commentary. 372. LET US PRAY. O God, just governor of men and merciful, to whom every creature, as to its Creator, is more readily devoted, so that it may burn with torment for the wicked, and be mild for the righteous: we beseech you, incline your ear to our prayers with kindness, and pour forth your bountiful blessing upon this machine, designed to extinguish fires: that whenever this effective instrument of the machine, with living faith and pious intentions, is used against the aroused forces of fire, the water thrown from it may extinguish the raging flames, and deprive the fire of all its power, so that no harm may be brought to those who hope in you, nor any detriment to them or their goods: that all, equally safe from every danger and peril, may repent with all their hearts from their vices, and, mindful of your benefits, may sincerely acknowledge that such scourges come from their own wickedness, and cease in your mercy. Through our Lord Jesus Christ, your Son, who lives and reigns with you in unity with the Holy Spirit, God, for all ages of ages. Amen. Then, the celebrant sprinkles the machine with blessed water. PRAGUE. Our Most Holy Lord Pope Pius X, upon the urgent request of the Most Reverend and Right Reverend Cardinal Leo de Skrbensky, Archbishop Metropolitan of Prague, and at the suggestion of the undersigned Cardinal, Prefect of the Congregation for Sacred Rites, approved the aforementioned rite and formula for blessing a machine for extinguishing fires; and graciously granted that this formula of blessing may be used throughout the ecclesiastical Province of Prague. April 10, 1912. Fr. S. CARD. MARTINELLI, Prefect. L. 5$ S. f. Peter La Fontaine, Bishop of Charyste, Secretary.

[*Latin ed. p. 373*]

Sacred Congregation of Rites. 373. THE SOLEMN BLESSING OF A NEW

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FISHING VESSEL (for the diocese of Algaren).

v. Our help is from the Lord, who made heaven and earth.

v. The Lord be with you.

Ant. O Lord, our Lord.

Ps. 8. O Lord, our Lord, how admirable is thy name in all the earth!

Ant. O Lord, our Lord, how admirable is thy name in all the earth!

v. The Lord be with you.

Let us pray.

Almighty God, have mercy on us. (as in the Roman Ritual for the blessing of a new ship).

R. Amen.

v. The Lord be with you.

§ 8. Following the Holy Gospel according to John.

R. Glory to you, O Lord.

In that time, he manifested himself again, etc. (John XXI, 1-24).

R. Praise to you, Christ.

v. The Lord be with you.

Let us pray.

O God, who, dividing the waters from the dry land, created every living creature in them, and willed that man should have dominion over the fish of the sea; who, walking upon the marine vortices, commanded the winds and the waves; and who miraculously filled the nets of the Apostles with your word: grant, we beseech you, that your servants, in their vessels, may be delivered from all dangers, with you accompanying them, and may gather a plentiful abundance of fish, and finally, laden with merits, may arrive at the port of eternal happiness. Through Christ our Lord.

R. Amen.

Let us pray.

We beseech you, O Lord, our Savior, that you would deign to bless the labors of your servants, as you blessed your Apostles, saying: Cast the net on the right side of the ship, and you will find: that, rejoicing in the abundance of your blessing, we may always exalt you, our Redeemer, who are blessed forever.

R. Amen.

[*Latin ed. p. 374*]

Acts of the Apostolic See. - Official Commentary. 374. LET US PRAY. O Lord, look upon the intercession of the Most Blessed Virgin Mary, of Saint Peter, and of the other Apostles, and of Saint N. (for the ship to be blessed), that you may not despise the labors of our hands; but that through your most holy benediction, you may repel all sins from us, remove all

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dangers, and grant us all good things for the future. Through the Lord, etc. Amen. The priest sprinkles the ship with blessed water, saying: May the peace and blessing of God Almighty, the Father, and the Son, and the Holy Spirit, descend upon this ship, and upon all who are in it, and may it remain forever. Amen. ALGAREN. Our Most Holy Lord, Pope Pius X, having diligently considered the supplications presented by the Reverend Lord Ernest Piovella, Bishop of Algaren, which were reported to the Sacred Congregation of Rites by the undersigned Cardinal Prefect, has deigned to benignly approve the aforementioned rite and formula for the solemn blessing of a new fishing vessel for the use of the clergy of that diocese. In spite of any objections to the contrary. On April 10, 1912. Fr. S. CARD. MARTINELLI, Prefect. h. S. f. Petrus La Fontaine, Bishop of Charystien, Secretary. III. NAPLES. DECREE OF BEATIFICATION AND CANONIZATION OF THE VENERABLE SERVANT OF GOD EMANUEL RIBERA, PRIEST, OF THE CONGREGATION OF THE MOST HOLY REDEEMER. Emanuel Ribera, whom the Congregation of the Most Holy Redeemer joyfully and gratefully welcomes among its chosen sons, was born in the city of Molfetta on March 8, 1811, of parents, Vincent and Elizabeth Cozzola, who were distinguished not only by their lineage and fortune, but also by their piety. In his early years, orphaned by his father and raised by his mother's care, he showed himself to be well-suited for the service of God and for religious devotion. Having been instructed in the rudiments of literature in the school of a certain priest,

[*Latin ed. p. 375*]

The Holy Congregation of Rites. He entered the Melphictense seminary, where, until his eighteenth year, he made great progress in studies and virtue, as is said. When it came his turn to read the works of St. Alphonsus de Liguori, considering himself called to embrace the institute of the Most Holy Redeemer, he revealed his intentions to the Major Superior of the Alphonsian Congregation; encouraged in his holy purpose, and after fulfilling all the customary requirements, he was finally accepted among the professed. Soon after, he was ordained a priest, and although he worked diligently, he suffered from a delicate health due to a disease he had contracted while caring for the sick, infected with the Asiatic plague, sparing himself no effort, and he diligently performed his ministry. However, this chronic illness worsened to the point of extreme suffering, and on November 10, 1874, he surrendered his soul to God in Naples. Meanwhile, the reputation of holiness of the Servant of God, which accompanied him throughout his mortal life, followed him even in death; and investigations, duly authorized and transmitted to the Sacred Congregation of Rites, were undertaken concerning this matter, which became increasingly clear with each passing day. When all was presented, and after a review of the writings of the Servant of God, nothing stood in the way of proceeding further, at the

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urgent request of the Most Reverend Father Claudio Benedetti, General Promoter of the Causes of the Congregation of the Most Holy Redeemer, and with attentive letters from certain Eminent Cardinals of the Holy Roman Church, and other men of ecclesiastical or civil distinction, and also at the request of the Most Reverend Father Patricio Murray, Superior General and Major Rector of the aforementioned Congregation, the Eminent and Most Reverend Lord Cardinal Jerome Gotti, Promoter or Relator of this cause, at ordinary meetings of the Sacred Congregation of Rites, convened on the designated day at the Vatican, proposed the following question for discussion: Should a Commission for the Introduction of the Cause be appointed, in this case and for the purpose in question? And the Eminent and Most Reverend Fathers, Prefects for the Preservation of the Sacred Rites, after hearing the report of the Eminent Relator, and after hearing the voice and written opinion of the Reverend Father Alexander Verde, Promoter of the Holy Faith, after carefully considering all matters, decided to respond: Affirmative, that is, that a Commission should be appointed, if it pleases the Most Holy. On March 8, 1912. Subsequently, a report on these matters was made to the Most Holy Lord Pope Pius X by the undersigned Cardinal, Prefect of the Sacred Congregation of Rites, and His Holiness, approving the response of the aforementioned Sacred Council, deigned to sign the Commission for the Introduction of the Cause of the Venerable Servant of God, Emmanuel Ribera, professed priest of the Congregation of the Most Holy Redeemer, on May 8, 1912. Fr. S. CARD. MARTINELLI, Prefect. I, © S. f. Petrus La Fontaine, Bishop of Charystien, Secretary.

[*Latin ed. p. 376*]

Acts 376 of the Apostolic See. — Official Commentary. IV. Circular Letters to the Reverend Ordinary Clergy Regarding the Proper Offices of Dioceses.

Most Reverend and Venerable Lord, as a brother, I write to you. Since it is of great concern to our Most Holy Father Pope Pius X that the reform of the Roman Breviary be completed with the utmost care, it will be beneficial, even for each diocese, to recall its own historical readings. Therefore, Your Eminence will greatly please the Supreme Pontiff if you diligently ensure that, in the diocese entrusted to you, learned men are chosen who, after due deliberation, carefully examine the historical readings mentioned above, and compare them with ancient codices, if available, or with established tradition. And if they should find that these historical accounts have deviated from the truth, either by alteration or corruption, they should exert every effort to restore the true narrative. All matters must be diligently addressed, so that nothing is lacking from the care that must be taken in finding the codices, in comparing their various readings, and in observing the true tradition. Indeed, there is no need for haste: we believe that at least thirty years are necessary for the reform of the Breviary to be successfully

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completed. In the meantime, when the work in this diocese is completed, Your Eminence should send it to this Congregation of Sacred Rites, seeking its approval; but, in so doing, should briefly and clearly state the reasons that led to any additions, omissions, or changes made in the historical readings. While I communicate this to Your Eminence by special mandate of the Supreme Pontiff, I earnestly pray for your lasting happiness.

Rome, May 15, 1912.

As your most devoted brother,

Fr. S. CARD. MARTINELLI, Prefect.

L.l$iS.

Peter La Fontaine, Bishop of Charyste, Secretary.

NOTE. Similar letters have been sent to the Superiors General of Religious Orders or Congregations, regarding the Proper Offices granted to them.

[*Latin ed. p. 377*]

The Sacred Roman Rota, Argentinensi. Concerning the Nullity of Marriage (Schmitt-Schmitt). During the blessed reign of Pope Pius X, in the ninth year of his pontificate, on February 23, 1912, the Most Reverend and Most Learned Fathers Franciscus Heiner, President; Ioannes Prior, and Aloisius Sincero, Auditors, in the cause "Argentinensi. Concerning the Nullity of Marriage," between Rosalia Schmitt, represented by her legitimate procurator, the advocate Vincent Sacconi, and Leonardus Schmitt, who was contumacious, and with the Defender of the Bond intervening and arguing in the cause concerning the bond, rendered the following definitive judgment. Rosalia Schmitt, a Catholic, when she was 28 years of age, on January 25, 1898, contracted a civil marriage in the city of Argentinensi with Leonardus Schmitt, a non-Catholic, who had concealed until this civil ceremony that he was a Catholic. When disagreements arose between the spouses, and the man refused to contract marriage even before a Catholic priest as he had promised, conjugal life was interrupted. On March 22, 1899, the woman obtained a civil divorce, and with another man, Eugenius Machin, she again entered into a civil marriage on the 8th of the following month. After several years, she petitioned the ecclesiastical authority to declare the first marriage null, so that a second marriage could be entered into in the sight of the Church. The cause was introduced before the Curia of Argentinensi, and on December 16, 1909, a judgment was issued declaring the marriage null due to the lack of consent of the woman. From this judgment, the Defender of the Bond appealed to the Holy Rota, so that the cause might again be examined and decided under the customary doubt: Does the nullity of the marriage exist in this case? Regarding the law, it must be stated that the clause "Tametsi" of the Council of Trent (Session XXIV, chapter i, concerning marriage) was never

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promulgated in the city of Argentinensi (Toder, Formulaire matrim., p. 338 sq.), so that any marital consent, even if not given before a priest and two witnesses, until the Decree of Pius X "Ne temere" constituted a true marriage, provided that no other impediment was present. In the present case...

[*Latin ed. p. 378*]

The provided text does not contain any instances of Acts 19:36 or Hebrews 6:9. Therefore, no changes are required.

378 Acta Apostolicae Sedis. - Official Commentary. The question is asked, whether a consent given before a civil magistrate constitutes a true marital consent: in other words, whether a civil marriage is a true marriage contract, so as to effect a true, indissoluble marriage. To understand this difficult question, it is necessary to discuss more fully the nature of civil marriage and its validity in itself, as well as its value in the opinion or estimation of the Catholic people, especially the German people. It is known that before Trident, all marriages were valid, unless they were contrary to natural, divine, or ecclesiastical law, excluding clandestine marriages which were not celebrated in the sight of the Church, that is, not before the competent parish priest and two witnesses, although such marriages were illicit. The same was true after Trident until the promulgation of the Decree "Ne temere" of Pius X on August 2, 1907, or, more precisely, on Easter of the year 1908, concerning marriages celebrated in those places where the head "Tametsi" of the Council of Trent had not been promulgated, or for any reason, e.g., because of the extension of the Constitution called Benedictine, did not have the force of law. Therefore, in those places, until the aforementioned date, all marriages were valid, which were entered into by the mere mutual consent of persons legally capable of contracting. Therefore, in the introduction of that most celebrated Decree on the reform of marriage, it is expressly stated: "Clandestine marriages made with the free consent of the contracting parties are true and valid marriages," and those are condemned who "deny that these are true and valid." Already Alexander III (c. % X, IV, 3) expressly taught that marriages begun by mere mutual consent, with regard to validity by the Church, are to be received and confirmed as if they were contracted in the sight of the Church. Indeed, this doctrine of the Church must also be maintained when judging the validity or invalidity of a civil marriage in those places where the Tridentine form does not have the force of law. For since there, every marital consent, even one that is not given in the Tridentine form, effects a true and valid marriage, it must also be said of the consent given before a civil magistrate, provided that the natural and mutual consent is given by the contracting parties. Therefore, when judging the validity or invalidity of civil marriages, it is primarily necessary to distinguish between those

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contracted in those places where the presence of a parish priest and two witnesses is a substantial requirement, and those begun in those places where said presence is prescribed only for licitness, and not for validity. In the latter case, it is again necessary to distinguish whether there is a true and legally legitimate consent in contracting the civil marriage, i.e., a consent with a spouse.

[*Latin ed. p. 379*]

The Roman Rota. In such cases, among persons legally capable, the question is whether a marriage contracted solely under civil law constitutes a valid contract for the purpose of fulfilling the precepts of civil society and obtaining civil effects as established by civil law, with such a civil form attached. Therefore, according to the law previously in force, all marriages contracted solely before a civil magistrate in places under the jurisdiction of Trent, i.e., in those places where the Decree "Tametsi" had the force of law, are invalid. Similarly, according to the new law established by the Decree "Ne temere," marriages that are purely Catholic, if contracted otherwise than in the presence of the Church, are invalid, except for those particular cases mentioned in the Decree "Ne temere." In both cases, a marriage solely under civil law is undoubtedly invalid, because it lacks the essential form prescribed by the Church, and constitutes mere concubinage; hence, in the ecclesiastical forum, the children are illegitimate, and the spouses cannot be admitted to the sacraments unless they have previously entered into a valid marriage in the ecclesiastical form. But all of this has been clearly and distinctly established and declared by ecclesiastical authority, and all canonists agree on these substantial points, so that it is not necessary to confirm these propositions with arguments. The law previously in force regarding civil marriage in places not under the jurisdiction of Trent, and the current law regarding mixed marriages, especially in Germany, or even among non-Catholics with each other, must be distinguished. This distinction concerns marriages contracted with marital intent, i.e., with the intent of entering into a true marriage, and those civil marriages entered into with the intent of entering into a mere civil union. In the former case, or if the parties intend to celebrate a true marriage before a civil magistrate, the marriage is undoubtedly valid, provided that no impediment prevents it. However, in such a case, the marriage is valid not by reason of the civil act, but by reason of the natural consent, which, in those not bound by ecclesiastical law regarding the form of contracting marriage, always causes a true marriage. Therefore, Em. Card. Gasparri (De matrim., II, n. 1228) teaches: "But if the parties are legally capable according to the laws of the Church, and, 'having performed the civil act before marriage before the Church, intend to celebrate a true marriage,' the civil act is a true marriage, not because civil law has been observed, but because nothing is lacking according to the legislation of the Church that is necessary for the validity

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of the marriage." Similarly, Wernz writes (Ius Decret, IV, n. 207): "If the contracting parties, 'whether Catholic or non-Catholic, baptized, are not bound by the law of Trent, in the celebration of a purely civil marriage, although illicit, nevertheless a valid marriage is entered into, provided that they have the intention of truly entering into marriage."

[*Latin ed. p. 380*]

380 Acta Apostolicae Sedis. - Official Commentary. "regarding the contracting of marriage, nor does any other canonical impediment exist; "but if they only intend to perform the ceremony civilly... it lacks all validity," "the civil marriage." Therefore, in these places, such civil marriages are not valid, because they observe the form and the civil law, not "absolutely and simply, but with the clause: 'provided that it is clear from their mutual consent,' i.e., of the spouses, to effect the purposes of the ancient law." Since the opinion of the canonists is unanimous on this matter, and the decisions of ecclesiastical authority are fully in conformity with it, other arguments may be omitted. In the other case, or if the contracting parties, in celebrating a civil marriage, only intend to observe the civil law and have no intention of truly contracting marriage, because, for example, they consider only the marriage celebrated in the ecclesiastical form to be a true marriage, then they are truly only contracting a civil marriage, but in no way a true and valid marriage. The matter is not ambiguous in regions where civil marriage is dissolvable by the force of civil law. Indeed, the indissolubility is an essential quality of Christian marriage, and without this quality, marriage cannot exist among Christians. Hence, St. Thomas teaches (S. Th., P. III, q. 77, c. 3): "The bond of marriage is perpetual, therefore, that which is contrary to perpetuity destroys marriage." For the same reason, the Syllabus of Pius IX condemned the proposition (67) "By natural law, the bond of marriage is not indissoluble, and in various cases, a divorce properly so called can be sanctioned by civil authority." Indeed, civil marriage in Germany, England, France, Belgium, and Switzerland, etc., is dissolvable by the force of civil law, and a full divorce can be granted by a secular judge. Therefore, whoever in the aforementioned regions intends to enter into a mere civil marriage, contracts a dissolvable marriage, but not a true marriage in the dogmatic or Christian sense. It should not be said that, therefore, all marriages of non-Catholics are invalid, since non-Catholics consider marriage to be dissolvable. There is an essential difference between civil marriage and, for example, the marriage of Protestants, which is such. For in the latter case, a true marriage is contracted, which is in itself indissoluble, despite the error of the contracting parties regarding such a quality. For the non-Catholic, as a Christian, intends to contract a true marriage through the marital contract; but a true marriage is always indissoluble, and there is no true marriage among Christians that is dissolvable. If someone errs regarding this good of marriage, it is only a subjective error, which, as

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Benedict XIV says (De syn, dioec, l. XIII, c. 22, n. 7 sq.), does not affect the objective truth.

[*Latin ed. p. 381*]

The Roman Rota has judged in 381 cases. Therefore, a non-Catholic who, as a Christian, wishes to enter into a true marriage, by that very act enters into an objectively indissoluble marriage. However, it must be said differently if someone explicitly intends, that is, expressly introduces as a condition, the dissolubility of the marriage. In such a case, the marriage is null and void, because an objectively dissoluble marriage is intended, which cannot validly be entered into. Such an intention is not presumed, but must be proven. On the contrary, a civil marriage is objectively dissoluble, and therefore, as such, is invalid, as will be explained more fully below. From this principle of the indissolubility of marriage, it is easily understood that the Supreme Pontiffs have been opposed to civil marriage. Pope Benedict XIV, when asked by a certain missionary in the United States of America, where the Council of Trent had no force and therefore true mutual consent, even if not given in the sight of the Church, constitutes a true marriage, replied that a civil marriage among Christians is null and void "either by reason of the sacrament or by reason of the contract." Pope Pius IX, in letters of July 25, 1852, addressed to King Victor Emmanuel, calls a civil marriage, as such, without exception, "concubinage." Furthermore, the Pope rejected in the Syllabus the proposition: "A mere civil contract can constitute a true marriage among Christians." Pope Leo XIII also judges in the same way in the encyclicals "Inscrutabili" of April 21, 1878, and "Arcanum divinae" of February 10, 1880, when in these he calls the civil marriage a "legal concubinage," and he writes: "It must also be understood by all that when a man and a woman among the faithful enter into a union outside the sacrament, that union lacks the force and the reason of true marriage; and although it may be performed in accordance with the laws of the civil code, it cannot be more than a custom or a rite introduced by civil law; but civil law can only regulate and administer matters which pertain to the civil order, and it is manifest that those things which pertain to marriage cannot be generated, unless the true and legitimate cause, namely, the nuptial bond, exists." Therefore, this Pope, otherwise so cautious and peace-loving, teaches that a marital union performed according to civil laws is merely a ceremony introduced by civil law to obtain purely civil effects, and is not a true and valid marriage. It cannot be objected that a civil marriage in Germany is conceived by the very civil law as establishing a stable and indefinite union, nor can it be inferred from the dissolubility of a civil marriage that such a marriage is merely a contract for a definite period of time, since in it, dissolubility is considered only as a possible outcome.

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For the same law which

[*Latin ed. p. 382*]

382 Acta Apostolicae Sedis. - Official Commentary. Civil law governs, and simultaneously establishes that such a marriage can, for certain reasons, be legally dissolved, thereby declaring that civil marriage, as such, is not indissoluble but is, in itself, dissoluble. Dissolubility, therefore, is an element of civil marriage and a quality inherently belonging to it; otherwise, the possibility of dissolution could not be determined a priori by law. Just as civil marriage arises by the force of civil law, so too, by the force of the same law, and in the presence of certain causes or conditions established by law, the same civil marriage can again be dissolved. Therefore, the possibility of dissolution by law is always a necessary requirement for a true dissolution. Whether the causes for dissolution must exist and be proven according to the law itself, or whether the dissolution, as in Switzerland, depends on the mutual free will of the spouses, the nature of civil marriage is always the same; for in both cases, by the force of law, any union remains dissoluble, and the contract by which such a marriage is initiated is a dissoluble contract, so that the contracting parties never enter into a marriage that is, in itself, indissoluble, and consequently, true and Christian. Furthermore, it is the common opinion of Catholics throughout Germany that a purely civil marriage is not a true and properly so-called marriage in the Christian sense. When, on March 9, 1878, civil marriage was introduced as obligatory in the Kingdom of Prussia, the bishops, in a meeting at Fulda, published common pastoral letters, in which they taught that all the faithful, even in the future, must celebrate the marriage contract according to the precepts of the Church, and perform the civil ceremony before the civil authorities, which, before God and the Church, does not effect any matrimonial union (Archiv, f. k. Kirchenrecht, vol. 33, p. 192 sq.). The Prince-Bishop of Wroclaw, Henry Foerster, in a particular circular letter, to be read throughout the diocese, dated August 24, 1878, explained the Church's position regarding the new laws concerning civil marriage, and in particular, he instructed the clergy of the diocese to warn the faithful that "the civil law concerning marriage, when entered into before the civil authorities, is merely a republican institution, and therefore has effect only for civil purposes; and by the declaration which the spouses make before the civil authorities to comply with the requirement of the civil law, and by this formality performed before the same, the ecclesiastical marriage, i.e., the true and valid marriage before God and the Church, is by no means perfected." In the Instruction on marriage of the archdiocese of Cologne, which is published every year on the Sunday after Epiphany in all the churches of the archdiocese, it is stated in n. 5: "Since marriage is a holy sacrament and

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is celebrated only before the parish priest and in the presence of two..."

[*Latin ed. p. 383*]

The Roman Rota [of the Sacred Tribunal] states: "It can be demonstrated through testimonies that a Christian who is under mortal sin is not permitted to be content with a civil marriage alone, because this cannot, in any way, effect a true and valid marriage among Christians." Furthermore, Cardinal Kopp, in his Instruction of March 9, 1908, which is read annually in the churches of the diocese of Vratislavien, writes: "After having declared before the magistrate that the civil law is sufficient, the ecclesiastical marriage, that is, the marriage which is valid before God and the Church, is not, for Catholics, in any way effected." Similarly, Instructions on marriage in other dioceses of Germaniae always speak of the invalidity of civil marriage, and even the diocesan catechisms expressly teach the same. The very New Catechism, published a few years ago by special order of the Supreme Pontiff Pius X, which was to be introduced in all the dioceses of Italiae, answers the question "What is civil marriage?" with: "Civil marriage is nothing more than a formality prescribed by law in order to give and ensure civil effects to the spouses and their offspring." In this passage, civil marriage is explained as a mere formality prescribed by law in order to obtain civil effects for the contracting parties and their children. In the following question, whether a civil marriage is sufficient for a Christian, the character of the civil contract is described as: "This is not a sacrament, and therefore it is not a true marriage," so that in the third question concerning those living in a 'merely civil' marriage, it is said: "They would be in a state of continual mortal sin, and their union would always be illegitimate before God and the Church." Therefore, in these places, it is authoritatively stated that civil marriage is, before God and the Church, null and void. In the same way, in the German catechisms, the question "How is marriage contracted?" is answered: "Only before the parish priest and two witnesses, etc." But these things are so well known that they do not require further explanation. For the sake of illustration, let us mention only what the esteemed prelate, Iacobus Schmitt, has in his catechistic work, approved by ecclesiastical authority, which is entitled: *Erklärung des mittleren Dëharbeschen Katechismus*, and which has been used by priests for decades in explaining Christian doctrine in schools and churches of Germaniae: "The Church teaches us," it reads on pages 505 and following (8th edition), "that Christians do not receive the sacrament of marriage, nor does a true marriage take place, unless the bride and groom declare before the parish priest and two witnesses that they intend to contract marriage with each other." Furthermore, it teaches that "Christians who unite in any other way, or who attempt to receive the sacrament of marriage, are not united in marriage (for among Christians, every marriage is a sacrament...).

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Thus, those who are united in this way are not..."

[*Latin ed. p. 384*]

384 Acta Apostolicae Sedis. - Official Commentary. « Those who are joined before God and the Church, but are free, and who, nevertheless, live as « married couples », commit a grave sin, and they remain in sin as long as they do not separate from each other or do not receive the sacrament according to the prescribed form. « All of these things are to be believed by Catholics. Therefore, even civil marriage, which is said to be entered into before a civil magistrate, cannot be considered a true and valid marriage before God by Catholics. « Indeed, it is entirely fitting that those betrothed, before contracting marriage before a priest, should present themselves to the civil magistrate in order to comply with civil authority, and should declare their intention of entering into marriage before him; however, « the betrothed know very well that this declaration is not yet marriage ». Similarly, canonists, with the exception of a few who speak obscurely and incidentally, consider civil marriage to be a dissoluble marriage and therefore invalid. From more recent authors, for example, Gard. Gasparri (De matr., II, n. 1222) teaches about civil marriage: « It is certainly sinful for all... who have a civil marriage, to the extent that such a marriage is not a true marriage ». Lehmkuhl writes (Kath. Kirchenlexikon, ed. II, vol. III, p. 396): « The Church does not attribute any legal weight to civil marriage, as such ». Hollweck in his commentary on civil marriage law contained in the German Civil Code (1900, p. 78) teaches: « The sanctity and sacramental character of marriage, as well as its competence, belong solely to the Church, and this should be taught more clearly (in instructions), and that civil marriage is only a marriage before civil society, invalid before God, the Church, and conscience. « Before God and the Church, civil marriage is not marriage, and for those who are content with it alone, it constitutes a grave sin ». All canonists agree that civil marriage is invalid even in non-Trent regions, unless the contracting parties intend to enter into a true marriage, and many expressly say that, even in this case, validity is not obtained from the civil form, but from the natural consent, which in non-Trent regions is already sufficient to contract marriage. It has been stated above that the invalidity of civil marriage in Trent regions can no longer be called into question. Some teach that the reason for this invalidity is the lack of the Trent form, while others derive the invalidity from the nature of the consent, which in civil marriage effects a marital union that is dissoluble, and therefore null in itself. Supporters of the former opinion strive to show that the Sacred Congregations have often validated civil marriages even in Trent regions, which, according to their opinion, proves that the consent given in the celebration of a civil marriage is valid as such, or in itself,

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because of its dissolubility.

[*Latin ed. p. 385*]

The Roman Rota has declared that this marriage is not invalid. However, it must be noted that the Roman Congregations, when granting dispensations, have added the condition "provided that there is evidence of persevering consent." Indeed, that consent cannot persevere which has not actually existed; hence, it is presumed that in contracting a civil marriage, there was the intention of contracting a true marriage, or that a special consent was given, even if the Tridentine form was not observed. This consent is not "the consent of a civil marriage," i.e., the intention of contracting a mere civil marriage, but only the consent with the intention of entering into a true marriage, as is clear from the same condition that the Holy Congregations require when judging the validity of a civil marriage in non-Tridentine places, or from the condition "provided that there is evidence of mutual consent of the spouses." Therefore, in each case, it must always be investigated whether the contracting parties, before the civil magistrate, intended to contract a true marriage, or not. The Roman Curia has never validated a civil marriage, as such, but has always attached the condition to all dispensations "provided that there is evidence of marital intention," or of true mutual consent and its perseverance. Therefore, the Church has never declared that a mere civil consent or a civil marriage, as such, is sufficient; but the intention of contracting a true and valid marriage is always required, which is entirely distinct from the intention of obtaining civil effects. With this intention of contracting a true marriage presumed, a marriage contracted in non-Tridentine places is contracted as a true and valid marriage; but in Tridentine places, it becomes at least possible that the consent given, which, due to the lack of a substantial form, is ineffective, may be healed, and thus be considered a true marriage. Without this intention, in non-Tridentine places, a civil marriage is always invalid, and in Tridentine places it is invalid for a twofold reason, and such a marriage cannot be healed in any case at its root. Hence, the frequent warnings of the Supreme Pontiffs and the repeated precepts of the Holy Congregations that Catholics, compelled to enter into a civil marriage, whether in Tridentine or non-Tridentine places, should not dare to enter into a civil marriage with the intention of contracting a true marriage, but should have the intention only of acquiring civil effects (Benedict XIV, Constitution "Redditae," September 17, 1776; Constitution "Inter omnigenas," February 2, 1777; Instruction of Pius VI, May 28, 1793; Instruction of the Holy Office, February 17, 1887, etc.). For the marital intention, or the intention of contracting a true marriage through a civil act, in Tridentine places would involve a marriage *de facto*, i.e., an abuse of the sacrament, and in non-Tridentine

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places...

[*Latin ed. p. 386*]

386 Acta Apostolicae Sedis. - Commentarium Officiale. Indeed, a marriage is truly contracted, but the sacrament is received in defiance of a clear and strict prohibition of the Church, so that in both cases sacrilege is committed. Therefore, it is certain that a civil marriage, in those places where the *forma tridetina* of the marriage contract is valid as a substantial condition of a valid marriage, cannot be considered valid in any way. Furthermore, it is certain that a civil marriage is invalid even in non-Tridentine places, if the contracting parties intend to enter into a purely civil union, and not a true marriage; but if, in these places, they intend to enter into a true marital union, they validly enter into it, and indeed, because of this very intention. However, how does the matter stand in judging the validity or invalidity of a civil marriage in non-Tridentine places, if there is doubt about the intention? Now arises a very controversial question, whether the intention of entering into a true marriage should be presumed, or not; or whether a civil marriage should be considered valid or invalid. Some canonists, following the decisions of the Roman Congregations, teach that the intention of the contracting parties to enter into a true marriage should be presumed, or that the presumption always stands in favor of the validity of a civil marriage; while others deny this, and indeed, for reasons derived from the origin, nature, and end of a civil marriage. The entire question is a question of fact, depending on the diversity of cases. Where the Christian people still know and recognize the sanctity, sacramentality, and indissolubility of marriage; where, indeed, these qualities of Christian marriage are taught again and again in schools, catecheses, sermons, and literature; where Catholic spouses living in a merely civil marriage are regarded and treated by the faithful as impious and infamous, and are avoided as such, it must truly be supposed that Catholics enter into a civil marriage with the sole intention of observing the mere civil law and obtaining civil effects, and that they do not intend to enter into a truly marital union through that civil marriage. In such cases, therefore, it can and should be supposed, or it is legally and morally permissible to suppose, that Catholic contracting parties consider a civil marriage as a mere civil ceremony or a mere legal transaction for obtaining civil effects. Moreover, at the time when the introduction of obligatory civil marriage was being considered in the German Empire, the very Secretary of State, Nieberding, declared to the representatives of the Empire, by virtue of his office, that a civil marriage was nothing other than a mere legal transaction for obtaining civil effects, which led even Catholic representatives to vote in favor of the civil marriage law. But, despite this, it must be said that it is not always and

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not in every case...

[*Latin ed. p. 387*]

In the matter of marriages, in Germany, there exists a presumption in favor of the invalidity of civil marriages. Indeed, if the case involves a Catholic who has not been sufficiently instructed in religious matters at school, or who, as a young person, emigrated to non-Catholic regions, or who has not for some years fulfilled the precepts of the Catholic religion, in other words, if the case involves a Catholic who is indifferent or lukewarm, or who is a member of an anti-Christian or anti-Catholic society or sect, such as anarchists, socialists, Freemasons, etc., or who is inclined towards irreligious or *liberalia* principles, and who perhaps even mocks and hates religion, then it is always permissible to presume that such a Catholic entered into a civil marriage solely because he believed it to be sufficient for establishing a true marital union, especially if the marriage was entered into with a non-Catholic person, who, according to the principles of his or her religion, believes that an ecclesiastical celebration of marriage is not necessary to constitute a valid marriage. Therefore, as a rule in practice, it can be stated that for Catholics in Germany: in general, the presumption stands for the invalidity of a civil marriage, if it is contracted by true Catholics who fulfill their religious duties; on the contrary, the presumption stands for the validity of a civil marriage, if it is entered into by indifferent Catholics or those who are indifferent to the Church and religious life, who explicitly neglect the celebration of marriage before the Church. Hence, a civil marriage is objectively and in itself invalid, except in the special case in which the contracting parties subjectively believe it to be valid. Therefore, in order to judge whether, in each individual case, the parties entered into a civil marriage as a mere civil ceremony or as a true marriage, the religious conditions of the parties must be considered, as well as the external circumstances accompanying the civil union. The opinion of Catholics in Germany regarding civil marriage is such that, in general, its invalidity should be presumed, indeed, it should be considered certain, especially if, in true Catholics, other indications and proofs, such as a sworn statement, are added, by which this presumption is confirmed. On the contrary, in indifferent Catholics and those who neglect their religious duties, the validity of a civil marriage should be presumed and decided in the concrete case, especially if this presumption is supported by other arguments and evidence. It cannot be said that the doctrine, in Germany, that a presumption exists for the invalidity of a civil marriage, contradicts the decisions of the Roman Congregations. For in such a case, it is not a matter of a legal presumption and of law, which definitively settles the matter, but of a mere legal presumption, which must give way to the truth. And the fact that the presumption does not always and everywhere stand

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for the validity of a civil marriage is shown by the warnings of those...

[*Latin ed. p. 388*]

The provided text does not contain any instances of Acts 19:36 or Hebrews 6:9. Therefore, no changes are required.

388 Acta Apostolicae Sedis. - Official Commentary. concerning matters so that Catholics may be instructed therein (S. Off., July 2, 1892; S. Fornii., January 15, 1866; S. Off. to the bishops of St. Gaius, April 3, 1878); these decisions, however, appear to be based on the supposition that even civil marriage, as such, is indissoluble, which is not the case under civil law in Germania. The situation is different with regard to German Protestants, who hold a fundamentally different view on the nature of civil marriage and the civil authority regarding marriage. Indeed, almost all Protestant theologians and jurists teach that the celebration of a civil marriage constitutes a true marriage, so that any subsequent celebration of marriage in the Church is nothing other than an ecclesiastical blessing or religious ceremony, which is added to the marriage already existing. Köhler, professor of Protestant theology at the University of Marburg, with the agreement of almost all other Protestant theologians, writes: "Marriages entered into by virtue of civil law and in its *forma* are true marriages and are to be considered as such, even if no ecclesiastical union follows... Therefore, the action of the Church in contracting the marriage of Christians (Protestants) should not be designated as an ecclesiastical contract; rather, the marriage is already entered into, and it is impossible to contract it again." This doctrine is a consequence of the religious principles of Protestantism, which, denying the sacramental nature and indissolubility of marriage, attributes all power over marriage to civil society as a "matter purely civil." Therefore, in every case, it can be presumed, or indeed must be, that marriages of Protestants entered into before the civil authorities are valid, unless some impediment prevents it; the same can generally be said with regard to mixed marriages contracted in places not subject to the Tridentine Decrees, or in relation to non-Catholic and mixed marriages, which, by extension of the Benediction Declaration, have been superseded by the Apostolic See. Because in these places any agreement constitutes a marriage, it must be presumed that even the Catholic party, who neglects the ecclesiastical celebration of the marriage, at least intends to enter into a true marriage before the civil authorities. This will happen all the more in the future, because, after the Constitution "Provida" of Pius X of January 18, 1906, and according to the Decree "Ne temere," mixed marriages, even if not contracted before a parish priest and two witnesses, are to be considered equal to purely Catholic marriages celebrated in the ecclesiastical *forma* throughout Germania with regard to validity. However, if anyone asserts that their civilly

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contracted marriage is nevertheless invalid, this assertion must be proven.

[*Latin ed. p. 389*]

Regarding the matter at hand, as already stated, there is no doubt that the Decree of the Council of Trent, "Tametsi," before the Decree "Ne temere" of Strasbourg, had no effect, so that a marital consent, whether given by Catholics or, a fortiori, by non-Catholics, before the civil magistrate, would effect a valid marriage, provided that there was a true marital consent; whereas, whenever there was an intention of contracting only a civil marriage, a true marriage could never be contracted, because, according to what has been explained above, a civil marriage, according to the civil law in force in Germany, is dissoluble in itself, and therefore null and void. Therefore, in this case, the only question is whether Rosalia had the intention of contracting a true marriage, or only a civil marriage as such. It seems that there is reason to believe that Rosalia, neglecting the ecclesiastical celebration of the marriage, had the intention of entering into a true marriage with a non-Catholic man before the civil magistrate, but this presumption is destroyed by contradictory facts. It has been proven that the aforementioned woman did not have the intention of contracting a true marriage through that civil act, but rather that she intended to celebrate a true marriage afterwards, that is, according to the form prescribed by the Church, because only the ecclesiastical marriage is a true marriage before God and the Church. And the woman herself testified to this under oath, and her testimony was confirmed by other sufficient evidence. The woman testified again and repeatedly: "I have never regarded 'this civil marriage as a valid marriage'" (Summary, p. 2). "I have always considered the civil marriage as an invalid marriage before 'the Church'" (ibid. and Note, question 8). To the question "Did you not know that a simple civil marriage is also a valid marriage before 'the Church'?" she replied: "No, I only considered it as valid 'from a civil point of view'" (Summary, n. 8, p. 7). Furthermore, the honesty of Rosalia is attested by her pastor: "I believe that the woman Machin-Schmitt is sincere when she says that she considered her civil marriage as invalid before God, it is my firm conviction. The woman affirmed that she knew that she was not validly married before God. The woman... is sincere. She attends services, lives Christianly, and yearns for the reception of the sacraments. She also told me that her first husband had promised to marry her in the Catholic Church, but that he refused to do so after the civil marriage; and that on her part she refused to marry in the Protestant temple" (Summary, n. 6). Furthermore, the pastor again testified in writing, under date of March 22, 1909, to the honesty of the actress: "The undersigned attests by

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the present..."

[*Latin ed. p. 390*]

390 Acta Apostolicae Sedis. - Commentarium Officiale. « et sentit quod mulier Machin digna est fidei». Deinde sequitur: « Pro me, absolute non est dubium,.... quod mulier Machin semper persuasum habuit, quod formalitas contractus civilis nihil in conscientia obstringebat, et quod in veritate non poterat esse coniugata nisi in Ecclesia. Et revera; mulier Rosalia vix potuit aliam opinionem seu persuasionem habere, quia in instructionibus religiosis aliter non est docta. Nam per octo annos, ut lex civilis in Alsatia pro omnibus pueris et puellis praescribit, frequentavit scholam primariam catholicam, in qua hanc doctrinam accepit, quam postea etiam semper audivit in ecclesia. Eius parochus testatur, eam esse animi simplicis, eamque semper sua officia religiosa implessisse. Quare eius affirmationi, se matrimonium civile non habuisse pro vero matrimonio, fides tribuenda est. Hoc confirmatur ex intentione mulieris celebrandi matrimonium in forma ecclesiastica, quam intentionem habuit et ante et post initum contractus civilis. Dicit enim: « Nunquam ego hoc matrimonium civile consideravi ut matrimonium validum. Ergo, quaesivi ut meum maritum ad matrimonium religiosum in Ecclesia Catholica duxerem» (Summ. 7). Ad interrogationem iudicis « Cur tamen vixistis maritaliter cum Schmitt, cum persuasae essetis quod vestrum matrimonium civile non esset validum?», respondit: « Credebam quod hoc mihi licet, quia intentionem habebam ut postea in Ecclesia Catholica maritarer» (Summ. p. 7). Interrogata « Num ante vestrum matrimonium civile, locutae estis cum aliquo sacerdote Catholico de intentione vestra de nuptiis cum protestante?», respondit: « Non, volui, ante matrimonium, cum meo marito ire ad sacerdotes Catholicos; sed ille non voluit, quia protestans erat» (Summ. 8). De intentione sua contrahendi cum D. Machin matrimonium in forma ecclesiastica, mulier, se liberam putans, haec dicit: « Abiivi ad praesbiterium Sancti Ioannis, ut Domino Curato meum matrimonium, quod imminet, annuam. Dominus Curatus non ibat, itaque accipi a duobus vicariis parvulis, qui committerunt ad scribendum responsiones quas ad suas quaestiones dabo. Sed, cum audiverunt me iam civilemente maritam esse cum alio viro, id est, cum Leonardo Schmitt, observaverunt quod hoc statim dicere debuim, et dixi ut redirem cum Dominus Curatus domi esset. Redivi, et occurrit mihi Dominus Curatus, qui mihi reprehensionem fecit de matrimonio meo cum Domino Schmitt; inter cetera, in atrio, – non me in cubiculum recepisset – dixit:

[*Latin ed. p. 391*]

St. Roman Code, 391: "Why did you not contract your marriage as is fitting?"... After this, I departed." (Summary, no. 15). All of these things, which Rosalia testified to under oath, are confirmed by the testimonies of other witnesses, who have been declared to be trustworthy and most

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worthy by the parish priests, as is evident from the records of the initial proceedings. For example, Maria Woeftel testifies that, at a time when there was no suspicion, when she was living with Leonardo, Rosalia was agitated by the goads of conscience, because she believed that she was unmarried before the Church, and that she repeatedly, but in vain, tried to bring Leonardo to contract marriage before a Catholic priest. She says: "When she returned home, she told me that she had been deceived by her husband, because he said that he was a Protestant, when previously he had always told her that he was Catholic. Immediately afterwards, she told me that she wanted to be married in the Catholic Church; but her husband opposed it... She complained about this often, and said that she had to be married in the Catholic Church... She often complained to us that something was not right, and that a religious marriage was indispensable... She replied to me: 'I am Catholic, and I should be married in the Catholic Church.'" (Summary, no. 5, question 5, 8; from post-trial documents, 9, 10). Catherine Fischer also testifies: "She told me that she wanted to be married to Mr. Machin in the church." (Summary, no. 19). And again: "She told me that she had been remarried (to Mr. Machin), but not yet in the church, and she added that she believed she was not married, because she had not yet contracted her marriage in the church." (Summary, no. 13). Michael Wœlfel states: "We sent her to the parish of Saint John with the intention of a religious marriage; she went there twice." (Summary, no. 16). This is also confirmed by Rosalia Wœlfel: "At my urging, she went to the Catholic parish of St. John in Strasbourg, to regularize her situation. She was rebuked by the priest." (Summary, no. 5). It is also evident from the testimony of the priest that Rosalia believed that she was not validly married, when he was asked, "Do you believe that the woman Machin-Schmitt is sincere when she says that she considered her civil marriage to be invalid before God?" he replied: "I believe it positively; it is my firm conviction." When asked again, what reasons led him to have this conviction, he replied: "On the grounds that people in the countryside never consider a civil marriage to be valid before the Church." (Summary, p. 17). Therefore, in this case, the presumption favors the invalidity of the civil marriage, confirmed by Rosalia's oath and other serious evidence.

[*Latin ed. p. 392*]

392 Acta Apostolicae Sedis. - Official Commentary. Let it not be said that Rosalia is unworthy of belief, because she has lived illicitly with a man, and her testimony differs from that of her mother. For, although the fact of Rosalia's cohabitation with a man does not excuse her from guilt, she is not deemed unworthy of belief, if she has cohabited with the man in good faith, as she herself declares: "I believed that it was permitted to me, because I had 'the intention of marrying later in the Catholic Church'" (Summary, p. 7). This excuse is to be admitted, since Rosalia was uneducated, or, as her

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parish priest describes her, "simple, but sincere" (Summary, n. 6). Furthermore, her testimony can be easily reconciled with that of her mother, since there are only apparent contradictions, as the judgment of the first instance correctly stated. It cannot be said that the marriage was ratified by a marital act consummated with intent, as Rosalia seems to affirm when she says: "I 'believed that it was permitted to me,' etc." For Rosalia always believed that marriage could not be contracted except in the ecclesiastical form; and she considered that she could live with the man, because, as she herself says, "I had the intention of marrying later in the Catholic Church." Therefore, in this case, we are not dealing with a marital act consummated with intent, but with a mistaken conscience, or with a certain excuse presented by the woman in her own favor. After carefully considering all of these things, invoking the name of Christ, We, the undersigned Auditors sitting for the Tribunal, and having only God before our eyes, decide, declare, and definitively pronounce that the answer to the proposed question is: Affirmative, that is to say, that the nullity of the marriage exists in this case. Thus we pronounce, ordering the Ordinaries of the places and the ministers of the tribunals to whom it pertains, to enforce this our definitive sentence, and against those who resist, to proceed according to the sacred canons, and especially chapter 3, session XXV, of the Council of Trent, using the executive and coercive means that may be more effective and appropriate for the circumstances. Rome, in the seat of the Tribunal of the Holy Roman Rota, on the 23rd of February, 1912. Franciscus Heiner, Presiding. Ioannes Prior. Aloisius Sincero. Sac. Tancredes Tani, Notary.

[*Latin ed. p. 393*]

Secretaria 393. Status. SECRETARIA STATUS EPISTOLAE. I. To the Reverend Canon Tissier, Vicar General, Archpriest of the Cathedral Church of Chartres, in gratitude for the volume on Moral and Religious Perfection of Youth, this letter is reverently sent as a filial act of devotion to his Holiness.

Monsieur le Vicar General,

The Holy Father received with particular benevolence the filial tribute of the works which you have composed for the religious and moral perfection of youth, for the Christian guidance of women of the world, and for the encouragement of works of apostolate.

His Holiness congratulates you on having so well adorned the teachings, which are so useful and so necessary, with the charms of expression and the persuasive force of eloquence, whether you speak to young people as an experienced educator, or whether you address the women of the world, or whether you appeal to all generous souls to spread the truth and to engage in works of apostolate.

May your words enlighten many minds and strengthen many wills.

The Holy Father gladly bestows his blessing upon your works and, with

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all his heart, grants you the apostolic blessing.

With my personal congratulations and my thanks for the volumes which you have offered to me, please accept, Monsieur le Vicar General, the assurance of my devoted sentiments in Our Lord.

April 30, 1912.

R. CARD. MERRY DEL VAL.

ACTA, vol. IV, p. 10. — 31-5-1912 29

[*Latin ed. p. 394*]

394 Acta Apostolicae Sedis. - Official Commentary. II. TO THE REVEREND CANONS DUBARAT AND DARANATZ, who, out of filial veneration, reverently presented to the Most Blessed Father a copy of the work published by them, which is entitled "Recherches sur la Ville et sur l'Église de Bayonne." Gentlemen, The Holy Father received with particular satisfaction from the hands of your Bishop, the splendid volume that you have published, and which is entitled: "Recherches sur la Ville et sur l'Église de Rayonne." To the very interesting, but hitherto unpublished, work of your illustrious predecessor, the Canon René Veillet, you have known how to give a much greater value through the precious, abundant, and multiplied notes that illuminate and complement it. At the same time, you have spared no effort to ensure that an illustration, as perfect in execution as it is drawn from the most authentic sources, would evoke for the eyes the spectacle of the places, events, and persons that your learned pages aim to bring to the memory of your fellow citizens. In this way, you have erected a monument to the glory of your diocese and have once again demonstrated that the Church has always been and remains the inspirer of the noblest sentiments and the most useful works for the cultivation of the mind and the instruction of the people. As a testimony of his lively satisfaction, the Holy Father grants you, with all his heart, the Apostolic Blessing. With my personal thanks for the copy that was offered to me in your name, I beg you, Gentlemen, to accept the assurance of my devoted sentiments in Our Lord. May 17, 1912. R. CARD. MERRY DEL VAL.

[*Latin ed. p. 395*]

Diarium Romanae Curiae. 395

DIARIUM ROMANAE CURIAE

SEGRETERIA DI STATO.

BY ORDER OF.

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By letters from the Secretariat of State, the Holy Father has deigned to appoint:

May 14, 1912. — The Reverend Father Anthony of the Assumption, General Minister of the Order of the Most Holy Trinity, Consultor to the Holy Congregation of Religious.

May 15. — His Eminence Cardinal Guglielmo van Rossum, Member of the Cardinal Commission for the Work of the Preservation of the Faith in Rome.

May 22. — His Eminence Cardinal Diomede Falconio, Protector of the Institute of Sisters of the Third Order of St. Francis, which has its motherhouse in Eden Middle, Pennsylvania, in the Archdiocese of Philadelphia, in the United States of America.

By letters and by briefs from the Secretariat of State, the Holy Father has deigned to appoint:

Assistants to the Pontifical Throne:

May 3, 1912. — Monsignor Alfonso P. G. Foucault, Bishop of Saint-Die.

May 11. — Monsignor Giovanni Battista Fallize, Titular Bishop of Elusa and Apostolic Vicar of Norway.

Apostolic Protonotary, as if among those participating:

May 8, 1912. — The Reverend Canon Scipione Bonnefoy, General Vicar of the Diocese of Digne.

Domestic Prelates of His Holiness:

May 3, 1912. — The Reverend Giovanni Matteo Mahony, General Vicar of the Diocese of Hamilton.

May 7. — The Reverend Doctor Giuseppe Wurster, Archdeacon of the Cathedral of the Five Churches (Pécs).

May 7. — The Reverend Giulio Wajdits, Canon of the same Cathedral.

May 8. — The Reverend Canon Filippo Choquette, Rector of the Seminary of St. Hyacinth.

May 8. — Monsignor Guglielmo Nolens, of the Diocese of Ruremonda, Deputy to the Second Chamber in The Hague.

May 14. — The Reverend Canon Giacomo Paul, of the Diocese of Aberdeen.

[*Latin ed. p. 396*]

396 Acta Apostolicae Sedis. - Commentarium Officiale. Per tramite di biglietti provenienti dalla Segreteria di Stato, il Santissimo Padre ha degnato di nominare: Camerieri segreti soprannumerari di Sua Santità: 8 maggio 1912. — Monsignore Giovanni Meany, della diocesi di Aberdeen. 14 maggio. — Monsignore Giovanni Carrozzo, della diocesi di Chiavari. Camerieri d'onore di Sua Santità in abito paonazzo: 8 maggio 1912. — Monsignore Giorgio Moransch, della diocesi di Pécs. — Monsignore

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Antonio Kovác, della medesima diocesi. Cappellani d'onore extra Urbem: 8 maggio 1912. — Monsignore Stefano Komócsy, della diocesi di Pécs. — Monsignore Geysa Szàbó, della medesima diocesi. ONORIFICENZE. Per tramite di biglietti e brevi provenienti dalla Segreteria di Stato, il Santissimo Padre ha degnato di conferire le seguenti onorificenze: La Gran Croce dell'Ordine di S. Silvestro Papa: 3 maggio 1912. — Al signor Carlo Conrado Shaw, domiciliato a Leamington. 7 maggio. — Al signor Raffaele Perez y Samanillo, di Barcellona. La Commenda dell'Ordine di S. Gregorio Magno, classe civile: 1 maggio 1912. — Al signor Alberto Demoor, Presidente dell'Associazione dei giornalisti cattolici del Belgio. 9 maggio. — Al signor Pietro Le Marois, Avvocato alla Corte di Cassazione e al Consiglio di Stato a Parigi. — Al signor Uberto Underberg, di Rheinberg, nella diocesi di Münster. Il Cavalierato dell'Ordine di S. Gregorio Magno, classe civile: 2 maggio 1912. — Al signor Carlo Pourtal, della diocesi di Marsiglia, 9 maggio. — Al signor Lodovico Giovanni Vos de Wael, Presidente dell'Orfanotrofio Cattolico di Swollis, nell'arcidiocesi di Utrecht. Il Cavalierato dell'Ordine di S. Silvestro Papa: 1 maggio 1912. — Al signor Enrico Gobbe, del Belgio. — Al signor Augusto Désir, del Belgio. 13 maggio. — Al signor Carlo Köhler. NECROLOGIO. Maggio 1912. — Monsignore Agostino Gockel, Vescovo titolare di Azoto ed Ausiliare di Paderbona. 19 maggio. — Monsignore Leonardo Castellanos, Vescovo di Tabasco (Messico).

[*Latin ed. p. 397*]

Year IV. - Volume IV - June 15, 1912; No. 11. ACTA APOTOLICAE SEDIS. OFFICIAL COMMENTARY. PAPAL ACTS. PIUS PP. X. APOSTOLIC LETTER. I. SOCIETIES OF CHILDREN OF THE MOST HOLY SACRAMENT, CONCERNING THE EXEMPTION FROM THE CLAUSE OF DISTANCE.

PIUS PP. X. For the perpetual memory of this matter. — There is nothing which we desire more than to promote, as far as is in us, all those things which may serve to excite, foster, and increase the piety of the people towards the Sacrament of Divine Love. Moved by this purpose, we enrich, with special graces and privileges, those societies of the faithful which have been instituted in honor of the august Mystery, and we diligently attend to their diffusion throughout the entire world. Therefore, we declared, through similar Letters signed with the Fisherman's Ring on the first day of June of the past year, the Society of Children of the Most Holy Sacrament, canonically erected in the Basilica of the Twelve Apostles in this esteemed City, as a Primary [branch], and we added to it the faculty of incorporating other societies of the same institute and title, provided that the form of the Constitution of Pope Clement VIII, our predecessor, and other apostolic ordinances issued above, be observed. However, since certain difficulties arise at present from this condition, by which it is provided that a certain distance must be maintained between societies, and since the moderator

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and officials of the same Primary Society earnestly implore us to release the pious society from the obligation of observing the aforementioned law, we, considering that this will greatly contribute to the good and growth of the same society, deem it right to grant this request with a willing heart.

These things, [are recorded in] ACTA, Volume IV, No. 11. - June 15, 1912. 30.

[*Latin ed. p. 398*]

Acts of the Apostolic See. - Official Commentary 398. Let it be known that, by Our apostolic authority, with the force of the present document, and perpetually, derogating expressly from the aforementioned Constitution of Our most reverend predecessor, Pope Clement VIII, We grant that, in the future, societies of the Most Holy Sacrament, duly and canonically established in any parish, church, institution, or pious house throughout the Catholic world, may, according to the prudent judgment of the respective local Ordinary, without prejudice to the aforementioned requirement of a sufficient distance: and We also grant that the Primary Association of the Twelve Apostles, erected in the City, may aggregate all such societies and communicate to them all the indulgences by which it itself benefits, by concession of the Apostolic See, provided that these are communicable to others. We declare these present Letters to be always firm, valid, and efficacious, and to obtain, and to continue to obtain, their full and complete effect, and that they shall fully support those to whom they pertain, or to whom they may pertain in the future, and that it shall be rightly judged and defined, and that they shall be rendered null and void if anyone, knowingly or unknowingly, should attempt to alter them in any way, by any authority whatsoever. Notwithstanding any contrary provisions. Given in Rome, at St. Peter's, under the Fisherman's Ring, on the twenty-sixth day of April, in the year 1912, in the ninth year of Our Pontificate. R. CARD. MERRY DEL VAL, Secretary of State. L. ff i S. II. To the Archsodalitas from the Work of St. Philomena in Paris, at Vallem Girardi, it is granted that all societies erected or to be erected everywhere in the world may be permanently aggregated to it. PIUS PP. X. For the perpetual memory of this matter. — We are accustomed to enrich pious societies of the faithful, diligently striving for the advancement of religion, with special privileges, so that they may more abundantly achieve their purpose and, above all, promote the spread of good works. Indeed, it has been reported to Us that, in Paris, at Vallem Girardi, on the tenth day of February, in the year 1884, a pious society of both sexes, commonly called the Society of St. Philomena, was canonically established, whose purpose is to implore the merciful God, through the intercession of the same St. Philomena, that the erring may return from the wrong path to the way of eternal salvation, that children may be imbued with Christian precepts, and that the number of priests, ministers of the

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Lord, may increase, and that they may be increased more and more.

[*Latin ed. p. 399*]

Acta PP. X. 399: The perfection of their status depends upon them. Furthermore, we know that the society mentioned above, through similar apostolic letters dated September 24, 1889, sealed with the fisherman's ring, was adorned with the title and privileges of an Archsodality, so that it could incorporate societies of the same name and institution, erected canonically or to be erected, within the boundaries of France, and communicate privileges and indulgences to them properly. However, since this society, according to its own constitutions and the declaration of the Congregation for Indulgences on August 3, 1889, possesses the faculty of enrolling the faithful residing in all places, and since, therefore, more societies of the same institution, also called St. Philomena, have been established outside the boundaries of France, even in distant regions, which frequently, turning to the French Archsodality, request its incorporation and the communication of privileges; therefore, now, we are petitioned by the moderators of such societies to grant the French Archsodality permission to properly incorporate all societies, canonically erected or to be erected, with that name and institution, throughout the entire world. We, having carefully considered all the circumstances and with diligent study, together with the Most Reverend Fathers, Cardinals, Prefects of the Congregation for Interpreting the Decrees of the Council of Trent, by our apostolic authority, decree and willingly grant that the Archsodality of both sexes, called the Pious Work of St. Philomena, canonically established in the Valley of Girard, provided that there is no other similar sodality enjoying the same privilege, may henceforth incorporate all other societies of the same name and institution, which have already been established by the respective local Ordinary, everywhere throughout the world, without limitation of place, and may lawfully communicate to them the indulgences and privileges proper to it, which may be communicated to others, observing what must be observed. We decree that these present letters shall always remain firm, valid, and effective, and shall have and obtain their full and complete effect, and that those to whom they pertain, or may pertain, shall fully avail themselves of them; and that it shall be rightly judged and defined that they are valid and effective, and that they shall be null and void if anything should be attempted concerning them by any authority, knowingly or unknowingly. Notwithstanding any contrary provisions. Given at Rome, at St. Peter's, under the fisherman's ring, on the twenty-first day of May, in the ninth year of Our Pontificate. L. & S. R. CARD. MERRY DEL VAL, Secretary of State.

[*Latin ed. p. 400*]

400 Acta Apostolicae Sedis. - Official Commentary. LETTERS. I.

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TO THE MOST REVEREND FATHER PAUL PETER XIII TERZIAN, PATRIARCH OF CILICIA OF THE ARMENIANS, CONCERNING INJURIES INFLICTED UPON THE CHURCH AND THE PATRIARCHAL SEAT. Venerable brother, greetings and the apostolic blessing. — The Armenian Church, in a matter that causes us great distress, demands of Our authority. It has been brought to Our attention, and we have received it with profound sorrow, that some among that people, utterly forgetting their Catholic profession, have proceeded to such temerity and contumacy against this Apostolic See and your spiritual authority, that they have dared to insult and reproach you, their pastor, to forbid you from exercising your sacred office, and to deprive you of the honors due to your position. Piety did not restrain them from this injury; the conscience of their duty did not deter them; the exhortations of legitimate authority, the serious warnings, the penalties attempted, availed nothing. Indeed, they even sought to create a division from the Church of Rome, through an administrative council, as they call it, established without any ecclesiastical authority whatsoever, thereby clearly demonstrating their intention to usurp the rights of the Patriarchal See. Truly, the more we love the Armenians, the more acutely we grieve over the unworthy actions and the nefarious designs that have been conceived. And although we are reluctant to employ severity against those whom paternal charity bids us regard as our children, we are nevertheless compelled, for the sake of the highest good, to take measures, since it is Our duty to ensure that the authority of bishops is honored everywhere; that the rights of the Church remain inviolate; and that the unity of this Church never suffers any detriment. Therefore, we condemn with the utmost severity all that has been done in Armenia during this turbulent time, in defiance of the mandates of the Apostolic See and the sanctions of the sacred canons, and we declare that everything enacted there against the rights of the Church is null and void. We denounce the aforementioned administrative council as entirely illegitimate and schismatic; we solemnly declare that its members and all others who have rebelled against ecclesiastical authority are subject to the penalty of excommunication. As for the other Catholics of Armenia, we implore and beseech them in the Lord not to be led astray from their own steadfastness; and to those brothers who are erring, we urge them to seek, through prayer and penance, a safe return to health, and to strive to obtain it from God, together with Us. Finally, venerable brother, for whose sake we are so deeply grieved, we beseech you to...

[*Latin ed. p. 401*]

The Acts of Pope Pius X, 401, speak of the great cares and burdens which press upon Us from all sides, and encourage all to endure bravely, to strive in charity, to implore God with words and examples. The Apostle writes: "We are cursed and we bless; we are persecuted and we endure it; we are

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blasphemed and we beg." Let hope arise from the reward that awaits those who remain with Christ in all His temptations. As a pledge of heavenly blessings and a witness to Our benevolence, We impart to you, venerable brother, to your entire clergy and people, Our apostolic blessing in the Lord. Given in Rome, near St. Peter's, on the fourth day of June, 1912, in the ninth year of Our pontificate. PIUS PP. X. To the Most Reverend Doctor PHILIPPUS FLECHTER, M.A., Moderator of the sodality called "Our Lady of Ransom," on the occasion of the twenty-fifth anniversary of the founding of the sodality. Beloved son, greetings and Our apostolic blessing. – Your diligence in guiding this "Our Lady of Ransom" sodality has long been known to Us, beloved son. However, We have postponed expressing Our gratitude for your well-deserved labors until this day, so that the occasion of the approaching twenty-fifth anniversary of the founding of this very sodality, to which you have devoted your efforts, might add greater and more heartfelt significance to Our expression of will. It is certainly, We must admit, a most excellent aspect of Christian charity that you and your members cultivate: namely, the care for those who are separated from Us; the prayers with which you implore heavenly blessings for those who are returning from error, for those who are in danger of losing their faith, and for those who are addicted to the pleasures of the world. These actions demonstrate the judgment of fraternal charity, which is more readily applied where the need for assistance is greatest, and they are entirely in harmony with Our care and daily prayers. And may God grant that, through common prayer, Our common vows may be approved! As for you, continue to diligently pursue this most holy and fruitful work of intercession, as you have been doing. But allow Us to urge you to do what Our predecessor, Pope Leo XIII, wished to commend in his apostolic letter addressed to the Catholics of La Charite, namely, to not allow anything to prevent you from obtaining the fruits of intercession, for "besides the virtues of the soul which prayer primarily demands, it requires..."

[*Latin ed. p. 402*]

Acta Apostolicae Sedis. - Official Commentary. "It is necessary that actions and examples be in harmony with the Christian profession." Those who piously observe and fulfill the commandments of Christ, "it is certain that divine liberality will come to their aid, according to that promise: 'If you remain in me and my words remain in you, whatever you ask, you will receive, and it will be given to you.'" As a pledge of divine favor and a witness to Our benevolence, We impart to you, beloved son, and to all your companions, Our apostolic blessing with heartfelt affection in the Lord. Given in Rome, near St. Peter's, on the twenty-fifth day of April in the year 1912, in the ninth year of Our Pontificate. PIUS PP. X. III. TO THE REVEREND JOSEPH FAGNANO, of the Society of St. Francis of Sales, Apostolic Prefect of Southern Patagonia, on the twenty-fifth anniversary of the found-

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ing of the first missionary house in "Punta Arenas" by himself. Beloved son, greetings and Our apostolic blessing. - Although We are confident that you, beloved son, who have now for so many years directed these sacred expeditions, are filled with the joys that accompany apostolic labors through the providence of God, charity nevertheless urges Us to offer you and your religious companions a special expression of Our paternal benevolence. Although separated by distance, we are most closely united with you in the bond of charity, and we follow the course of your affairs with such eagerness that whatever befalls you, whether joyful or sorrowful, We ourselves are either saddened or gladdened. Behold, an occasion for rejoicing in the Lord arises as the twenty-fifth year approaches since you founded the first missionary house in Punta Arenas. Indeed, as the memory of past times returns, we are delighted by your efforts, by which, with the help of God, the light of the Gospel has shone upon these unfortunate peoples, bringing hope of blessed immortality and the fruits of humanity itself. Therefore, as you prepare to offer solemn thanks for the divine goodness, We gladly join you; and, with united prayer, we earnestly ask Christ the Lord that He may deign to permanently attach to Himself those whom He has deigned to call into His admirable light, and that He may make participants in the same blessed lot all those who are still here who sit in darkness and in the shadow of death. May Our apostolic blessing, a pledge of divine favor and a witness to Our most loving will, be with you, beloved son, and with those who are with you.

[*Latin ed. p. 403*]

Sacred Congregation of the Sacraments. 403 are laboring in the Gospel, and to all others whom Christ has begotten of His spirit, we impart [this]. Given in Rome, near St. Peter, on the 9th of May, 1912, in the ninth year of Our Pontificate. PIUS PP. X. DECREE CONCERNING THE IMPEDIMENT ARISING FROM ADULTERY, WITH REGARD TO MARRIAGE. It often happens that those who have obtained from the Apostolic See a dispensation concerning a marriage already contracted but not consummated, or a document of liberty due to the presumed death of a spouse, wish to celebrate a new marriage before the Church with those with whom, while the previous bond remained, they contracted a purely civil marriage, having committed adultery. Furthermore, since a dispensation is rarely granted in cases where an impediment arises from adultery, which is the case here, Our Most Holy Lord Pope Pius X, so that marriages may not be exposed to the danger of nullity, after consultation with the esteemed Fathers of this Sacred Congregation of the Sacraments, has decreed that, in the future, a dispensation from said impediment, when granted in such a case, shall be considered to have been granted by the document issued by the Holy See, whether it be a dispensation concerning a marriage already contracted but not consummated, or a permission for passage to another marriage.

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Regarding the past, the same Holiness has deigned to validly renew and regularize marriages that may have been invalidly begun from this head. And this has been ordered to be promulgated through the present decree of the same Sacred Congregation, notwithstanding anything to the contrary. Given in Rome, from the offices of the same Sacred Congregation, on the 3rd of June, in the year 1912. D. CARD. FERRATA, Prefect. Ph. Giustini, Secretary.

[*Latin ed. p. 404*]

Acta Apostolicae Sedis. - Supplementum 404 Officiale. SACRA CONGREGATIO CONCILII LAQUEDONIENSIS. DE IURIS SUFFRAGII. (per summaria precum). In statutis quae Capitulum ecclesiae cathedralis Laquedoniensis, ex mandato Rmi Episcopi anno praeterito sibi confecit, haec in cap. XXVI, n. 7, in fine, decernuntur: « Etsi canonici pro suis consanguineis et affinibus suffragium in aliquo actu ad hos pertinentes ferre valeant ex iure communi et decretis S. C. Concilii, attamen, attentis specialibus circumstantiis huius loci, canonici non possunt ferre suffragium in consanguineorum aut affinium electione usque ad 2 gradum inclusive lineae aequalis, quae tangit aut laedere potest interesse communitatis, i. e. capituli. Alioquin, sicut in materia iurisdictionis, possunt pro consanguineis et affinibus usque ad 2 gradum suffragia ferre ». Porro cum capitulum ius habeat eligendi oeconomum qui canonicum archipresbyterum, penes quem est actualis cura animarum, adiuvat, et insuper eidem capitulo competat ius eligendi aliquos clericos quibus conferantur quaedam sacra patrimonia a fundatoribus ad hoc relicta, ideo quoad huiusmodi electiones Episcopus haec dubia movet: 1. An possint canonici suffragia ferre pro consanguineis et affinibus usque ad 2 gradum in electione oeconomi ut supra? 2. An possint canonici ferre suffragia pro consanguineis et affinibus usque ad 2 gradum in electione clerici ad patrimonium sacrum ut supra? 3. An canonici gaudeant iure suffragii pro consanguineis et affinibus usque ad 2 gradum et etiam pro seipsis in electione vicarii capitularis? Super his exquisitum est votum Consultoris S. C., quod huic folio adnectitur.

In Congregatione Generali habita in Palatio Apostolico Vaticano die 16 martii 1912, EE. PP. rescribendum censuerunt: Ad I et II. Affirmative. Ad III. Affirmative ad primam partem, negative ad secundam. I. Grazioli, Subsecretarius.

[*Latin ed. p. 405*]

Sacred Congregation of Councils. 405 OPINION OF THE CONSULTOR. In the statutes of the cathedral chapter of Lacedonia, approved by the bishop on April 18, 1911, the following is read: "Although the canons may, by common law and decrees of the Sacred Congregation of Councils, give their vote for their blood relatives and affine relatives in any act pertaining

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to them, nevertheless, considering the special circumstances of this place, the canons cannot give their vote in the election of blood relatives or affine relatives up to the second degree inclusive of the collateral line, which may affect the interest of the community, that is, the chapter. Otherwise, as in matters of jurisdiction, they may give votes for blood relatives and affine relatives up to the second degree of collaterality" (Statutes, XXVI, n. 7, at the end). Indeed, the same chapter has the right to elect both the oeconomus who assists the archpriest canon, who is responsible for the actual care of souls (Statutes, XIX), and also certain clerics to whom certain sacred endowments left by the founders for this purpose are conferred. Therefore, the bishop proposes the following three questions, for which he requests a solution.

I. - Can the canons give their votes for blood relatives and affine relatives up to the second degree in the election of the oeconomus as mentioned above?

1. Preliminary remarks. - It is entirely established in common law that canons can collegially give their vote in the election of someone "who is connected by blood to the canons themselves, whether a beneficiary or a canon," and the Sacred Congregation of Councils has repeatedly admitted and resolved this (e.g., in Pisa, Electionis, September 19, 1818; in Ferentino, Capellaniae, April 27, 1833, as frequently cited by Pallotti in his Collection... verbatim, Beneficia, § XI, n. 1-51). Indeed, in the same Ferentino, § Iure, it seems that this right extends even to the case in which relatives are conferred "either a benefice, or another office of that kind," under which last expression one understands, without any doubt, a certain ecclesiastical office distinct from the office of a beneficiary or canon, such as a temporary or appointed vicar, an oeconomus, a capitular vicar, etc. - However, doctors teach that this right to vote can, not indeed fundamentally, but in part, be taken away or limited "for a probable reason, or at least from a suspicion not improbable by law, if so it is established by legitimate custom, and much more by a capitular statute" (cf. Pignatelli VI, consult. 53); and this doctrine is favored by the resolutions of the Holy Congregation in the aforementioned Ferentino, § Certum, and in Civitat. Pieb. Electionis, August 30, 1851.

II. - In the present case, do we have such a limitation through the capitular statute of Lacedonia, n. XXVI, 7, which I have transcribed above?

[*Latin ed. p. 406*]

406 Acta Apostolicae Sedis. - Official Commentary. Volume I. It is therefore necessary to adhere to this statute; and consequently, the entire question is limited to this: "Whether, in the election of an economist in Kosso, the interest of the community is touched or harmed, or whether it is merely a matter of jurisdiction, in which, according to the aforementioned chapter statute, it is certainly lawful and permissible for each canon to cast a vote,

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even for a relative." 2. The Doubt is Resolved. - I. Regarding the interest of the community. I say: a) In itself, considered precisely, the election of an economist (whether or not he is a relative) to assist in the care of souls, does not harm, but rather benefits both the community of the faithful and the canons, as is immediately apparent to anyone considering the matter; b) However, it can certainly be understood that there may be cases in which, by chance and as if indirectly, "due to special circumstances of the place" (as the aforementioned chapter statute, XXVI, states), the interest of the community may be harmed, e.g., if such an election of relatives or affine in this particular region would necessarily give rise to a grave scandal among the people, a serious discord and hatred among the parties, a diminution of the priestly reputation or honor, or a great difficulty in providing the economist with sufficient support, etc. Furthermore, at least with regard to the provision of adequate support for the economist, there is no difficulty in our case, provided that this support is expressly established and provided from the revenues of the chapter itself (cf. chapter statute XXV: ... 150 livres for one curate economist...); as for the other inconveniences, the bishop remains silent; from which silence it is rightly presumed that "in this case" they are not present. Therefore, it must be concluded that, from this first point, "the interest of the community," there does not seem to be a basis for applying chapter statute XXVI; and therefore, nothing prevents the canons of Lacedonia from casting a vote in this election of a curate economist, even for any of their relatives or affine. II. Regarding the matter of jurisdiction. The curate economist (who is also called the "properly called coadjutor," "temporary vicar"), although appointed only for a time to assist the parish priest, is nevertheless, with regard to his duties and rights, almost equal to the parish priest in many respects. Therefore, it is commonly held that he is granted, by the very fact of his appointment, jurisdiction in the forum of penance, a delegation to validly assist at marriages, the right to supply the parish priest in the case where the latter is absent... (cf. Bouix, De Parocho, Part III, section V, chapter 6). Indeed, for various places, the use of this jurisdiction is perhaps more or less limited in practice to hearing the confessions of men and the sick, to catechizing children, etc. (as can be seen...

[*Latin ed. p. 407*]

The Holy Congregation of Councils, in statute XIX of the chapter of Laquedon, states that 407 is the number (cf. Laquedon.); nevertheless, the jurisdictional office remains in itself; and consequently, the election of the economist must be considered among those matters pertaining to the subject of jurisdiction. Furthermore, in this very matter of jurisdiction, both the common law (cf. in Ferentino, April 27, 1833, § Iure), and the particular law of the chapter of Laquedon (cf. the aforementioned statute XXVI) expressly grant to the canons the general faculty of giving their vote without distinction for any of their relatives by blood or by marriage.

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Therefore, the same conclusion as before holds true, namely, that the canons of Laquedon can give their vote in the election of the economist for any of their relatives by blood or by marriage.

II. Can the canons give their votes for relatives by blood and by marriage up to the second degree in the election of a cleric to the sacred patrimony, as mentioned above? The sacred patrimony, generally constituted of immovable property, although not strictly a benefice, nevertheless presents the appearance of ecclesiastical property which, according to the intention of the law, is assimilated to the genus of a benefice, to the extent that it can hold the place of a benefice in various cases admitted by law, and is thus equated to it, as can be seen especially in the granting of the title of Holy Orders, when, in order to supplement a total or partial defect of another legitimate title (such as a benefice), the title of the sacred patrimony is presented; and concerning whose constitution, as all know, the Holy Mother Church demands almost the same safeguards as if it were a benefice properly so-called. Since these things are so, and in the absence of other rules, the principles that we have already stated in the "preliminaries" for the solution of Doubt I seem simply to be applicable in this case, where the matter was the election "to a benefice or another office of that kind"; and therefore, it must be said that, just as the canons can elect relatives by blood to a benefice, so too they can elect them to the sacred patrimony.

DOUBT 1

III. Do the canons enjoy the right to give their votes for relatives by blood and by marriage up to the second degree, and also for themselves, in the election of a capitular vicar?

NB. This doubt has two parts: 1. Whether they can, in the election of a capitular vicar, give their vote for the same relatives by blood and by marriage as mentioned above? 2. And also for themselves?

DOUBT 1 Cf. Council of Trent, Session XXI, De Reform., chapter 2, and the various declarations which Richter cites from the decrees of the Holy Congregation concerning the same chapter, especially Declarations, nos. 6, 18, and 30. Cf. also Pallottini, "Patrimonium," nos. 43, 44.

[*Latin ed. p. 408*]

408 Acta Apostolicae Sedis. - Official Commentary. I. The doubt is resolved as follows: Whether those who are related by blood or affinity up to the second degree can cast a vote in the election of a capitular vicar? I answer immediately in the affirmative. - Indeed: 1. In common law, there is no express provision to the contrary; moreover, it is universally understood that, where there is a question of depriving someone of their proper right, which is certainly always odious, such a provision must always be expressly stated and declared; for restrictions, as well as prohibitions and

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other odious things, are always to be strictly limited; and, in the absence of an explicit provision of the law, it can never be sufficient for a certain private interpretation or an argument derived from a similar or stronger case. - Moreover, not only does common law not contradict, but rather, with various doctors, it should be said that "in those things which are 'of public law' (such as, certainly, the election to an office of a capitular vicar), everyone is presumed to be motivated more by the public good, than 'by some other particular cause,' and therefore 'to give a vote 'as a canon, and not as a domestic person'" (cf. Pallottini, ad Beneficium, § XI, n. 16). Therefore, from this first point, it already appears that the vote for relatives by blood or affinity is legitimate in the election of a capitular vicar. • . NB. - Perhaps a certain difficulty could arise from the fact that the capitular vicar is a "judge"; and Innocent III, in the case of a certain canon of Grado, wanted to exclude all canons of Grado from the office of "judge" "because they would be associates of one of the litigants, and therefore rightly suspected by the other litigant" (cf. in Cap. Cum canonici, 35. De offic, et potest, iudicis delegati); hence, it would seem that if the associates themselves are to be excluded from the office of "judge," a fortiori, relatives by blood should be excluded; and therefore, in the case of a capitular vicar, who is a "judge," relatives by blood cannot cast a vote. - But these are easily resolved: a) because odious laws, as we have said, are to be strictly interpreted, and not extended by private judgment to non-identical cases; b) in the case resolved by Innocent III, it was only a question of settling a certain "dispute" and that merely particular and momentary between two candidates, and of delegating a certain arbitrator to resolve it; in the election of a capitular vicar, however, there is no question of a dispute, nor of the particular interest of some, but of a public office, and indeed one that pertains to the administration of the entire diocese, both temporal and, above all, spiritual; therefore, the cases are not comparable; c) finally, the canons of Grado, in that case, had no right in themselves to judge, nor to choose a judge, and therefore, without themselves.

[*Latin ed. p. 409*]

The Holy Congregation of Councils. 409. An injustice could arise if another were delegated, neglecting those who should be present; however, the canons of Laquedon, as common doctrine teaches, possess by themselves the right (which is "the fruit of canonry") to cast votes in all acts of the chapter that are performed collegially (among which must certainly be included the election of the capitular vicar); and they cannot be unjustly deprived of this right except by an express provision of the law: which, however, is entirely lacking and absent in the present matter. Therefore, the conclusion previously stated and proposed remains valid. 2. Furthermore, in the particular law of the chapter of Laquedon (Statutes, XXVI), it is expressly declared "that the canons may cast votes in matters of jurisdiction

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for consanguineous or affine relatives up to the 2nd degree," that is to say, to speak more clearly, considering the entire context, in matters of jurisdiction, neither consanguinity nor affinity is taken into account. Moreover, the election of the capitular vicar pertains most of all to the matter of jurisdiction, as all know from the Council of Trent, Session XXIV, on reform, chapter XVI, and again most clearly from the Constitution "Romanus Pontifex" of Pope Pius IX, dated August 28, 1873, in which we read: "... We declare and decree that all ordinary episcopal jurisdiction, which, with the episcopal see vacant, has passed to the chapter, should entirely pass, and that no part of this jurisdiction can be reserved to the chapter, etc....". It is therefore clear that the aforementioned canons can cast a vote for any consanguineous or affine relative in the election of the capitular vicar. II. The third part of the doubt is resolved: namely, whether the canons themselves can cast a vote in the election of the capitular vicar? 1. Preliminary Remarks. The question proposed is no longer restricted to the limits of a particular case of doubt concerning only the canons of Laquedon, but enters into the very limits of the universal law; the question, hitherto most vexing among the doctors, not only because it is sufficiently complex in itself, but also because, never yet, either in law or in jurisprudence, have the specific principles governing such an election been safely and formally declared, from which doubts concerning such an election might easily be resolved: and this will become fully apparent from what will be said below. To resolve such a question, or rather, to address all the arguments of various learned doctors, a more extensive discussion would be required, which would exceed the limits of this "brief opinion" requested of us, and moreover, if it is permissible to confess the truth, it would be partly useless, for almost nothing new would be added to what has already been learnedly elaborated, at least as far as the principles of the solution are concerned, especially in Veliterna, on the day of the election, April 18, 1885 (cf. Acta S. Sedis, XVIII, p. 97-114), and in other similar cases. Nevertheless, for this "brief opinion," some observations will be made, as in...

[*Latin ed. p. 410*]

410 Acta Apostolicae Sedis. - Official Commentary. In order to clearly demonstrate the strength of the arguments, we will append here a table that summarizes the points made, not only to avoid appearing to be rejected or evaded the issue, but rather to show upon what solid foundations the opinion, which we humbly submit to the judgment of the Fathers Cardinals at the end of this discussion, rests, namely, concerning the law defined by "decree." % The reasons for various rights are explained. A) From natural law. - I wish to note this one thing: When the question is posed under these more general terms, "whether in an election for any public office, someone who knows well that he is worthy and completely suited for the office (for example, through the laudable and repeated use of this

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office and function, and through the mature counsel of worthy men), can cast a vote for himself, at least in a scrutiny by public votes," the solution is not so easy; nor will you easily escape the difficulties, whether you embrace an affirmative or a negative opinion! For, for example, it is certain that he who desires a public office (and knows himself to be equal to it) desires a good thing; but if the desire is a legitimate and good one (certainly effective, not merely platonic), why would it be evil and illegitimate to employ a certain means that is not inherently dishonest in itself, such as one's own vote, united with the votes of others? I say "not inherently dishonest"; and indeed, if I am conscious that I am driven not by selfish ambition but only by the desire for a good work, and my vote (as is assumed) is illuminated by true reasons, why would my vote not enjoy the same honesty as the vote of others? Would it, because it is mine, therefore deviate from rectitude and be vitiated by a fatal moral necessity? - I confess that, considering the innate "inclination towards evil" of man from his youth, and the practice of good and humble people, the use of one's own vote in this case may be fraught with the danger of presumption, and therefore, as many say, "to know moderation"; they have used the vigilant word, "to know"; therefore, I say, removed ambition, as mentioned above, what remains of the "taste" of evil? All of this I have said so that you may see why, setting aside positive law, it is not clear, at least with the necessary precautions, that giving a vote for oneself in an election for public offices in general is illegitimate. Furthermore, the office of a vicariate capitular is a certain public office within this specific society, namely, the ecclesiastical one. B) From common positive law. - Nothing is established there: a) nor in the Council of Trent, which in session XXIV, on Reform, chapter 16, does not say a single word about the form of this "official" or vicariate election, nor does it speak of the "election" itself, but only of the "constitution, deputation": from which several DD. argue (among whom De Luca, in Adnot. ad Conc. Trid., disc. 31, no. 24; Pitonius, Discept.

[*Latin ed. p. 411*]

Sacred Congregation of Councils. 411 churches, 156, volume 8, number 4; Leurenius, etc....) holds that the election of a capitular vicar is not a true election, but merely a "delegation authorized by mandate"; b) nor, in the Body of Canon Law, in which both the heading "Quia propter" (42 concerning elections) and the heading "Cumana" are found, as testified by Cardinal De Luca, is the election of the pastor properly designated for the widowed church intended, but not for the mere delegation of some "official" or "vicar"; and therefore, capitulars are not held to the form of these canons in this case (De Luca, discourse 26, On Canonical Matters), but they can use the form of chapter "Cum in iure" 33. c) By the particular law of the statutes of the chapters. Many chapters have attempted to supplement the lack of common law, but not all. These latter have left the

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determination of the form of the election to their own will for various cases. The former, however, have determined this, at least with regard to the main parts, with given articles; but, oh! what a variety! here the election is "by openly expressing their opinion through the votes of the living voice"; there, through secret votes (and this is the case in the chapter of Laquedon, statute XXI, n. 3); elsewhere, through a scrutiny, not indeed solemn, but almost so; elsewhere, through "ballotings" (Scarfantonius, on Geccop., book IV, title 6, n. 15, 16). Now, an excess of one vote is sufficient to constitute the required majority (e.g., 4 out of 7); now, an excess of one vote is required (e.g., 5 out of 8). And alas! as if this variety were not enough, hear the same Scarfantonius (in the cited place) declaring very clearly that "although the aforementioned elections are rightly prescribed by the statutes to be held by secret 'votes,' nothing prevents them from being held openly by the living voice, provided that this is done with the common consent of all canons." 1 "The reason is that it is not done contrary to common law... Indeed, they are valid, even if the statute says that they must not be held except by secret votes: many things are permitted which are done; otherwise, it would be necessary to say that there is a 'nullifying clause,' and that the statute has been confirmed by the Pope." - If these things are true, then to what purpose are so many statutes of the chapters concerning this election? Therefore, do not be surprised if more and more DD. (cf. Santi-Leitner, 1904, I, p. 246) today briefly conclude that it is sufficient in the election of a capitular vicar if only the conditions that are customary in the conduct of chapter business are observed, and that it is sufficient that the election be made capitularly, 1 "in which it is stipulated that 'the voice of the one elected sometimes increases the number of those who elect,'" especially given the decision 114 of the Rota before Clement XIII, which extends this principle to an election "made openly and by public votes," "unless it is made by secret scrutiny."

[*Latin ed. p. 412*]

412 Acta Apostolicae Sedis. ~ Official Commentary. [This concerns] a legitimate gathering of all those who ought to be present, or who can be present, and the majority of them casting their vote in favor of one candidate; and nothing more. D) From the jurisprudence of the Holy Sacred Congregation of the Council. - Up to now, as far as I know, the Holy Sacred Congregation has never sought to resolve a question of law ("questione di massima"), but rather has only provided solutions in particular cases, as is evident from the response given on March 2, 1880: "Can a canon, in the election of a capitular vicar, licitly and validly give his own vote to himself, if he cannot obtain a greater number of votes?" - The Holy Sacred Congregation, after mature deliberation, decided on March 20, 1880, to respond: "Provision must be made in particular cases." Therefore, it is permissible here, briefly and in order, to present certain resolutions of

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the Holy Sacred Congregation in particular cases, so that each may better understand the consequences that follow from them. a) In the year 1649, in Matheran, concerning the election of a capitular vicar. - After a first secret ballot proved fruitless, a second ballot was held, with the prior declaration that it was permissible for each to adhere to his own vote. Furthermore, in the second ballot, B. Marra was elected as vicar, having 17 votes out of 32, including his own. The Dean and others appealed to the Holy Sacred Congregation, which, after hearing both sides, ruled in favor of the elected candidate. - Therefore, the Holy Sacred Congregation acknowledged that it was not unlawful, even with the agreement made as mentioned above among the electors, to convert one's own vote in one's favor, even in a secret ballot. b) On July 17, 1655, in Sulmona, and on May 11, 1669, in Assisi, in the same election, the Holy Sacred Congregation admitted other forms of election, besides the secret ballot, provided that the legitimate forms of election were otherwise observed. c) On March 12, 1662, for the province of Armagh in Hibernia [Ireland]. - The chapter consisted of only one surviving canon; the Holy Sacred Congregation recognized the right of that canon to elect a capitular vicar "provided that he does not elect himself." d) On November 23, 1697, in Milevitan, in order to avoid disputes and contentions that often arose in capitular resolutions made through public votes (and certainly the election of a vicar is among the most important resolutions of this kind), the Holy Sacred Congregation "deemed it expedient that the aforementioned capitular resolutions be made through secret votes." Note: "deemed it expedient" and not "defined and ordered," as Ursaya incorrectly interpreted in Disputation 8, volume 2, part 2. e) On December 17, 1712, in Alexan, a canon named Ottatus was elected as capitular vicar by 7 votes given openly and in public (according to the custom of the past three centuries), against 4. Furthermore, concerning the doubt: "A n

[*Latin ed. p. 413*]

413 <S.' Congregatio Consilii. Quæsitum est: "An electio ista, facta a capitulo in personam Ottati, sustineatur in casu?", S. C. Conc. respondit: "Negative". - Et Pitonius miratur, discept. 156, vol. 8,... et nos cum illo; nam imposito tunc voto secreto, et stante aliunde DD. communi opinione quae tenet neminem posse in scrutiniis secretis sibimet suffragium ferre, indirecte saltem sequebatur neminem posse se eligere in vicarium: quæ conclusio haud facile cum resolutione "in Matheranen." suprarelata conciliatur. f) 21 novembris 1722, in Turritana. - Habito sed inutiliter uno scrutinio per vota secreta et secundo per vota publica, tandem in tertia sessione electus est in vicarium capitularem decanus capituli per 9 vota publica, computato tamen proprio (quod dedit mere adhaerendo aliorum suffragiis) contra 7. - Recursus factus est ad suffraganeum antiquiorem, tum quia electio facta erat per publica suffragia, tum quia electus iunior et illiteratus erat, et insuper a defuncto archiepiscopo, uti reus, ex informata conscientia suspensus

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a divinis (et causa adhuc in S. C. Conc. pendebat). - Suffraganeus declaravit electionem nullam; facta autem appellatione a decano ad iudicem delegatum apostolicum in regno Sardiniae, iste cassavit sententiam suffraganei, et iussit ut capitulum Turritana. intra octo dies novam electionem vicarii capitularis per vota secreta haberet: qua facta, iterum electus est decanus. - Quibus omnibus S. G. C. relatis, quaesitum est: 1. "An prima electio decani sustineatur? et quatenus negative; 2. "An secunda electio facta vigore sententiae iudicis regni Sardiniae fuerit valida vel potius nulla in casu?". Et S. G. C. respondit: ad 1. Negative; ad 2. Affirmative et amplius. Ex responsione ad 1. videtur ergo dicendum quod tunc temporis S. G. C., quidquid in contrarium sentirent varii DD., non admittebat in electionibus etiam per vota publica ius computandi proprium votum ad maioritatem efformandam, nec caput "Cum in iure" 33, De elect., ad similes casus posse extendi: quæ quomodo concilientur cum decisione Rotae circa extensionem huius capitis (cf. supra in calce pag. 411), non apparet. g) 19 maii 1877, in Ladren. - In comitiis capitularibus, quando quis proponebatur ab episcopo ad aliquod officium, puta iudicis et examinatoris synodalis, constans praxis (silentibus omnino de hoc iuris puncto constitutionibus capituli) hoc ferebat ut ille posset etiam pro seipso suffragium ferre; et inter caeteras ex iure vel ex doctrina DD. desumptas rationes, haec etiam proferebatur, nempe quod nec in casu agebatur de praeiudicio alicui tertio inferendo, nec de privato interesse, sed mere de gratuito munere quod bonum ecclesiae solum importabat; o a ACTA, vol. I V, n. 11. — 15-6-812. 31

[*Latin ed. p. 414*]

414 Acta Apostolicae Sedis. - Official Commentary. Furthermore, this was also supported by custom, which did not contradict any explicitly stated law, and therefore could be maintained. - The matter was brought before the Sacred Congregation under this doubt: "Does a canon have the right to vote in chapter elections who has been proposed by the archbishop for the office of judge and synodal examiner, in his own case?" The Sacred Congregation, after deliberation, responded: "No"; thus denying both the right to vote in such a case, and the custom itself. - Consider the significance of this response, and you will immediately see that, if a vicarious capitular were placed in the position of synodal judge, the same arguments could be put forth to uphold the right to give oneself one's own vote, and yet, in the same way, would not be considered by the Sacred Congregation. h) March 20, 1880. - It seemed that after the various resolutions of the Sacred Congregation mentioned above, which generally indicate that this Sacred Congregation has not admitted the right of canons to vote for themselves, perhaps, if a general question of canonical doctrine regarding this point of law were to be proposed, it could finally be resolved definitively, indeed, by insisting on the usual "negative" answer. Indeed, on March 20, 1880, a certain prelate of Gaul clearly proposed this doubt: "Is it lawful and valid

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for a canon to give his own vote in the election of a vicarious capitular, if he cannot obtain a greater number of votes?" The Sacred Congregation responded only with: "Provision must be made in particular cases." Thus, the question of law remained unresolved. i) April 18, 1885, in Velletri. - In the elections in Velletri, according to the statutes of the chapter, elections of greater importance must be held "by secretly cast votes." - Furthermore, in the election of the vicarious capitular, two canons received 5 votes out of eleven. One, believing that a second secret ballot would be useless, although it is prescribed in the statutes of the chapter in the case of an equal number of votes (which state: "If the votes are equal, let another 'scrutiny' be held"), declared that he would vote for himself, according to chapter "Concerning Elections" 33, and converted his vote to himself in order to form a majority. - The following doubt was proposed to this Sacred Congregation: "Is the election of the vicarious capitular valid, which was carried out by secret votes, in which, due to the 'equality of votes' in favor of two, one of them, in order to 'assign a majority to himself,' declared that he would 'convert his own vote, which he had already given in favor of another, to himself' in this case?" The Sacred Congregation responded: "No." - Note that this Sacred Congregation did not resolve the general question as proposed in doubt III by the Bishop of Lacedonia, but a special case, and, if I am not mistaken (whatever learned arguments are presented for or against the disputant in the Acta S. Sedis, vol. XVIII, p. 113 and 114 in the note), did not clearly intend to resolve the controversy regarding this very case among doctors, which is still not extinct; for it is not improbable that someone would say:

[*Latin ed. p. 415*]

The Holy Congregation of Councils, in number 415, fully and adequately justified the negative response of the Holy Congregation, solely on the grounds that the statutes of Veliterna had been violated, which, in this case, prescribed a new secret ballot. Having neglected this second secret ballot and transgressed the statutes, the Holy Congregation of Councils rightly concluded and responded that, in this case (after the first ballot), it could not, by its enough vote, turn the situation in its favor.

j) May 8, 1886, in Tamovien. - In chapter 4, only canons were present. Those elected to choose a capitular vicar decided that no one could give a vote to themselves, under penalty of nullity of the election. Furthermore, in the secret ballot, one candidate received two votes out of four, declared that he agreed with those two, and considered himself elected, according to the meaning of chapter "Cum in iure" 33 concerning elections.

- Regarding a doubt presented to the Holy Congregation concerning whether the deputation of Canon W. as a capitular vicar "is permissible in this case," the response was: "Negative," and, I believe, for this reason: because he had not been elected by a majority of votes, provided that the

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election was not made "by compromise" but by ballot, and consequently, his vote or consent could not, as in a compromise, increase the number of those electing: therefore, he was elected only by two, and thus the election was null and invalid. This resolution of the Holy Congregation is perfectly sound and corresponds to the decision 114 of the Rota, mentioned above on page 411.

From this resolution, it is also worth noting that mere consent to an election should not be considered equivalent to a "vote" in the proper sense; for only two truly "elected," while the third only subsequently gave his consent.

Conclusion. - From all the resolutions of the Holy Congregation briefly recounted, it is evident that, although the Holy Congregation of Councils has not yet definitively established the entirety of the law concerning this matter, it is nevertheless clear that, after perhaps some fluctuations over the centuries, its intention, at least, is increasingly consistent in denying to canons the right to give their own vote in any "ballot" by votes properly called, whether secret or public, and also the right to express, in the event of an equal number of votes, consent or acceptance (outside, of course, the case of a true compromise, as mentioned in chapter "Cum in iure" 33 concerning elections), which are equivalent to a "vote" in the proper sense with regard to the effect of the election itself.

E) From the opinions of the Doctors. - We abstain from collecting the teachings of the Doctors (even briefly). For, in fact, all or almost all agree on the following: a) in a solemn secret ballot, no one can give their own vote, either before or after the announcement of the ballot, not even in the form of consent; b) in a compromise, however, one can turn...

[*Latin ed. p. 416*]

416 Acta Apostolicae Sedis. - Official Commentary. in itself constitutes a proper suffrage for perfecting the election by increasing the number of those electing. But concerning other cases and questions (for example: whether the election of a vicar capitular should be a true election, or merely a "designation" which does not require strict legal form? - And to what extent should the letter or spirit of the most celebrated canons "Quia propter, 42; Cum in iure, 33, etc." be applied to such a "election or designation"? - What in the case of a non-solemn scrutiny, whether by secret votes, or by public ones, or in another mixed form of election? etc.), even among learned doctors, there are many and wondrous disagreements of opinion, about which we are not surprised, for each of them, lacking a law expressly written on this specific matter, has been led to interpret the aforementioned chapters of the Body of Law or particular responses of the Sacred Congregation, in the best way that seemed to them at the time or in their age, according to their own understanding or knowledge, and thus has sometimes drawn, expressed, or elicited conclusions that are

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contradictory, as appears from the very discussions related in the ″Acta S. Sedis″ which precede the solutions of the various cases mentioned above. 3. The vote which we humbly submit to the Laquedonien Sacred Congregation. - After considering everything according to our method, it seems to us, with all due deference, that the following should be said: Taking advantage of the opportune occasion for codifying the law; for the advancement of the law in the Church of Christ; to ward off the pest of ambition, so hateful to the Church, and also the presumed danger thereof; to ensure sufficient unity of discipline and law in the chapter statutes, and therefore to prevent so many discordances, lawsuits, etc. in the dioceses when the see is vacant, especially if the see is to be vacant for a long time, and consequently to avoid so many causes and appeals that are more or less troublesome to this Sacred Congregation; and finally, to definitively establish the jurisprudence of this Sacred Congregation in this matter, may the Sacred Congregation deign to issue a ″Decree″ in which it is defined: ″a) that it is never licit or valid for canons to ever give ″or convert″ their vote to themselves in any ″election or designation″ of a vicar capitular (except in the case of a ″promissio,″ according to the form of canon ″Cum in iure″ 33); ″b) that the ″election or designation″ must be carried out by one of ″the three forms set forth in canon ″Quia propter, 42″; ″c) that for the validity of the election or designation, a majority, even of only one vote, is required.″ All of these things, etc.

[*Latin ed. p. 417*]

Sacred Congregation of Rites. 417. SACRED CONGREGATION OF RITES. INSTRUCTION CONCERNING THE PRIVILEGES GRANTED, BY A DECREE OF THE SAID SACRED CONGREGATION, BY THE SUPREME PONTIFF, FOR THE SOLEMN CELEBRATION WITHIN THE YEAR, EITHER FOR THREE DAYS OR EIGHT DAYS, UPON THE BEATIFICATION OR CANONIZATION OF SOMEONE.

I. In the solemnities, whether of three days or eight days, which are permitted to be celebrated in honor of a Saint or Blessed, all Masses of that feast should be said with the ″Gloria″ and the ″Credo,″ and with the Gospel of St. John *in fine*, unless the last Gospel of the Sunday or feria, or of the *vigiliae*, is to be read, whenever mention is made of these.

II. The solemn or sung Mass, in which at least one Mass is read from the Office of the day, should be said with a single Collect; otherwise, only those commemorations which are permitted in the double of the first class should be made. Masses that are read should be said with all the commemorations that occur, but excluding the prayers of the time and the Collect. Regarding the Preface, the rubrics and decrees should be observed.

III. Sung Masses are hindered only by Doubles of the first class, and also by Sundays, ferias, *vigiliae*, and privileged octaves of the same class, which exclude the aforementioned Doubles. Masses that are read are also

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hindered by Doubles of the second class, and by Sundays, ferias, *vigiliae*, and octaves which exclude such Doubles of the first and second class. In these cases of impediment, the Masses should be said of the occurring Feast or Sunday, or on other days as above mentioned, according to the rite of the day, with the commemoration of the Saint or Blessed, and indeed with a single conclusion with the Prayer of the day, in the Doubles of the first and second class; on other days, the commemoration of the Saint or Blessed should be made with a distinct conclusion after the Prayer of the day.

IV. In churches where there is the obligation of celebrating a conventual or parochial Mass with an offering for the people, such a Mass of the Office of the day should never be omitted.

V. If Pontifical Masses are celebrated on the feast day, the Third Hour should not be sung, but the bishop should wear the vestments, stole, and cope, but the Non Hour should be said.

[*Latin ed. p. 418*]

Acts of the Apostolic See. - Official Commentary 418. However, the hour of Prime, or of the Holy or Blessed [person], will always be observed; nevertheless, it cannot be substituted for the hour of Prime of the day for the purpose of fulfilling obligations. VI. Although all Masses, whether private or public, may be dispensed, it is nevertheless permissible to celebrate the Second Vespers of the Feast more solemnly without any commemoration; however, these Vespers of the Feast cannot serve to fulfill obligations. VII. All other ecclesiastical functions, besides those mentioned, may always take place, with the consent of the Ordinary, such as a homily during the solemnities of the Masses, or an evening panegyric, prayers analogous to those to be instituted in honor of the Saint or Blessed, and especially the solemn [rite] with the Venerable Blessing. Finally, the Trisagion or Octave will conclude with the hymn "Te Deum" with the verses "Benedicamus Patrem," "Benedictus es, Domine," "Exaudi," "Dominus vobiscum," and with the prayer "Deus cuius misericordia," which will never be omitted before the "Tantum Ergo" and the prayer concerning the Most Holy Sacrament. VIII. In order to further foster veneration and piety towards the newly canonized Saints or Blesseds, His Holiness, opening the treasures of the Church, graciously grants to all and to each sex of the faithful who, truly penitent, having confessed and having received the Sacraments, visit the churches or public oratories in which the aforementioned triduums or octaves are celebrated, and who, for a certain period of time, offer pious prayers to God therein, a plenary indulgence, in the usual form of the Church, to be obtained once, and which may also be applied to the souls detained in purgatory. To those, however, who, at least with a contrite heart, visit these churches or public oratories during the aforementioned time, and who pray therein as mentioned above, a partial indulgence of one hundred days is granted, to be obtained once each day, and which may be applied

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in the same way to the souls existing in purgatory. May 5, 1912. Fr. S. Card. MARTINELLI, Prefect. L. © S. f. Petrus La Fontaine, Ep. Charystien, Secretary.

[*Latin ed. p. 419*]

To the Most Holy Congregation of Rites. FROM THE SOCIETY OF MISSIONARIES OF THE MOST HOLY HEART OF JESUS. DOUBTS. The present editor of the calendar of the Society of Missions of the Most Holy Heart of Jesus, with the consent of his Most Reverend Procurator General, humbly requests a solution to the following doubts from the Most Holy Congregation of Rites:

I. Are the Second Nocturn readings for the feast of Saint Agnes V.M. historical, so that they may be, and indeed ought to be, read as the Ninth Reading if the same feast occurs in conjunction with a feast of a higher rank or dignity, and is therefore simplified?

II. In the Compline after the Second Vespers of Palm Sunday, ought prayers to be said, when a commemoration has been made in the Vespers of the following double feast, and therefore the Office is simplified?

III. In places where the feast of Saint Gaspar of the Buffalo, Confessor, is celebrated under a major or minor double rite, are the proper First Nocturn readings to be said, or rather, readings from Scripture appropriate to the day?

IV. Are the antiphons and Psalms for Matins of the Commemoration of all the Holy Roman Pontiffs, taken from the Common of the Apostles, to be considered proper, so that they ought to be recited even if such a feast is celebrated under a major or minor double rite; or rather, since they are taken from the Common, ought they to give way to the antiphons and Psalms of the day?

2° Is the same to be said of the responsories of the First Nocturn, so that, omitting the readings from Scripture appropriate to the day, the readings "Let us now praise men of renown and our fathers in their generation." from the Common should be recited?

V. During the Octave of the Solemn Commemoration of the Most Holy Body and Blood of Our Lord Jesus Christ, if a simplified double commemoration is made, ought a third prayer to be added, or rather, omitted?

VI. In Masses of the vigil or of the day which do not have a proper Preface, is the proper Preface of the feast or octave to be said, which has been commemorated?

2° Also, in the same Masses, is the Creed to be said according to the feast or octave which has been commemorated?

VII. In Masses for Spouses, as in other votive Masses celebrated by privilege, is a third prayer to be added in the double rite?

And the Most Holy Congregation of Rites, after hearing the opinion

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of the Liturgical Commission, and after diligent deliberation, decided to respond as follows:

To I. Affirmative.

[*Latin ed. p. 420*]

420 Acta Apostolicae Sedis. — Official Commentary. Regarding II. Negatively. Regarding III. Proper forms are to be used, if they have been granted, according to the new regulations, title I, number 4. Regarding IV. As for the affirmative, regarding the first part, negatively regarding the second. – Regarding 2, affirmatively. Regarding V. The third prayer is to be omitted. Regarding VI. As for the affirmative. – Regarding 2, negatively. Regarding VII. Negatively. And thus he wrote and declared, on May 24, 1912.

* * *

Fr. S. CARD. MARTINELLI, S. R. C. Prefect.

L. © S. f.

Petrus La Fontaine, Bishop of Charystien, Secretary.

SACRED ROMAN ROTA OF LAUSANNE AND GENEVA.

LIBEL.

During the blessed reign of Pope Pius X, in the ninth year of his pontificate, on March 16, 1912, the Most Reverend Fathers, Doctors Michael Lega, Dean, Ponens, Joseph Alberti, and Peter Rossetti, Auditors from Tournon, in the case of "Lausanne and Geneva - Libel," at the request of the Reverend Clino Crosta, represented by his legitimate procurator, Hadrian Aloisi-Masella, advocate, against the Reverend Reginald Fei, of the Order of the Most Holy Preachers, with the intervention and defense of the Reverend Promoter of Justice, rendered the following incidental judgment, both regarding the intervention in the case on behalf of the Procurator General of the Order, and regarding the right of reconvention against the plaintiff on behalf of the Reverend Father Fei.

The Reverend Clino Crosta instituted an action against Reginald Fei, a professed member of the Order of the Most Holy Preachers, because he, in his published work on Moral Theology, printed by Marietti, in two annotations added, asserted certain things which Clino Crosta considered to be very injurious to him. But in the present action, the matter concerns a twofold question in the principal incident, one of which is instituted by the Plaintiff who claims the right to bring the Procurator General of the Order into court, so that he may answer.

[*Latin ed. p. 421*]

The Roman Rota, concerning the restoration of damages, in which Father Reginald is potentially condemned.

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Second, a question is proposed by Father Reginald, who contends that he has been gravely defamed by the Plaintiff, and intends to pursue a counterclaim. When the Plaintiff's advocate requested that the question be posed through interrogatories, this was permitted by the Most Reverend Prelate, and the following interrogatories were agreed upon: "1° Does the Plaintiff also have a claim for the restoration of damages, in this case, against the Most Reverend Procurator General of the Order of Preachers? - 2° Is a counterclaim admissible in this case?"

To resolve the first question pertinent to the case, the Lords observed that the principal action in this matter, according to the agreed-upon form of inquiry, consists of: "Whether it can be established that Father Fei defamed Glin Crosta, to such an extent that there is grounds for the application of penalties and the restoration of damages in this case?" Therefore, it is not merely a matter of applying penalties, but also of restoring damages. For if it were only a matter of penalties, these would certainly not be recoverable except from the religious community of Father Reginald, as stipulated by Rule 76 of the Civil Law, section VI: "The offense of a person should not be detrimental to the Church." But the matter also concerns economic damages; and these, if Father Reginald cannot restore them, are legally recoverable from the Order itself, of which Father Reginald is a member.

I say: If Father Reginald cannot restore these damages, because the Reverend Procurator General of the Order admits that Father Fei, as well as other Fathers in the University of Freiburg, are subject to special circumstances, compelled by necessity, and enjoy a greater license, with regard to the vow of poverty, for urgent cases, then it is permissible for these Fathers to use funds for the purchase of books, for travel, and for other necessities of life, and the Order receives nothing from them, and is therefore not liable for them.

However, the Lords observed that these are special arrangements or privileges, which, being secret and private, the Plaintiff is not required to consider, when the common law dictates otherwise. And this is explained in common by the learned Reiff., De iudic, n. 18 et seq.: "It is asked whether a person having a claim against a religious [person], should bring the action against the religious [person] himself, or rather against the monastery [of that religious person]? - Answer: In civil cases, the religious [person] is not to be brought before court, but rather the monastery [of that religious person]... The reason is clear: because a monk or religious [person] who has solemnly professed, has nothing of his own; but whatever he acquires, he acquires for the monastery..." Nothing, however, in a criminal case, or ex officio...

[*Latin ed. p. 422*]

422 Acta Apostolicae Sedis. - Official Commentary. "In the case of a crime, the religious [individual] is held accountable, not the monastery...

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provided that "the penalty involving a monetary fine" is not imposed against the monastery, since [the monastery] lacks its own resources." These last words correspond most closely to the observations of the General Procurator; for if, in this case, Father Reginald is able to dispose of his own funds and certain assets, this is a matter arising from an exceptional and privileged circumstance, which could only have been known to the Order itself. Therefore, if the Order is ordered by a judge to answer for its member according to the common law, this does not prevent the member himself from being required to bear the damages, and therefore to be ordered to refund the money that the Order paid for him. Nor do the Lords intend to condemn such a private fund: and it is permissible, as demonstrated by authorities, Böuix.^ On Canon Law, vol. % page 511 and following. But the Lords also wished to note what Schmalz teaches, De iudic, no. 38, saying: "If, for the sake of studies or other affairs, he is far from the monastery, in such a case (the religious), if he has suffered damage or injury, or if necessity requires it, "he may act in court with the presumed permission of the prelate... 7° in the case of "his own crime, because in this case, the monastery is not to be held accountable, but the religious who committed the crime; in these cases, if the religious who is brought to court does not have a fund granted to him by the prelate, the monastery must provide the necessary expenses, so that, if these are lacking, he should not be deprived of the right to act and respond in the cause." Therefore, it is not of interest to the plaintiff to inquire whether the defendant has, and in what amount, a fund; but he summons the General Procurator of the Order, following the norms of common law, because he has the authority to act and respond on behalf of the Order, by virtue of his office. Regarding the last reason for the defense brought forward by the General Procurator, namely that the Ordinary or Superior is not obligated, either directly or indirectly or subordinately, to compensate for damages that may arise from the printing of a book, if a lawsuit for damages is introduced, it should be noted that this is true if we are speaking of an Ordinary who grants to a priest or a faithful person, or to anyone, the permission to print a book according to article 35 of the Constitution on Offices and Duties, which states: "Approval of books. "whose censorship, by the force of the present decrees, is not reserved to the Apostolic See and the Sacred Congregations, belongs to the Ordinary of the place where it is made public." The object and purpose of this approval, as determined by the Constitution Sollicita ac provida of Benedict XIV, and confirmed by the same Constitution on Offices and Duties, is "to protect the faithful from reading books "from which careless and simple people may suffer some harm."

[*Latin ed. p. 423*]

Book IV, Chapter 423: "And those who are filled with opinions and

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doctrines that are contrary to either the integrity of morals or the dogmas of the Catholic religion." If we are speaking of religious [orders], then the following article 36 of the Constitution *Officiorum et munerum* is to be observed: "The members are to remember to observe the rules, according to the decree of the Council of Trent, to obtain from their superior the permission to publish a work. And both permission, at the beginning and at the end of the work, must be indicated by an *imprimatur*." And in the decree of the Council of Trent, it is expressly stated that permission must be requested from the superiors of the order, after they have examined the books according to the form of their own regulations. Therefore, setting aside the question raised by commentators interpreting this article 36 of the Constitution *Officiorum et munerum*, such as Cardinal Gennari, Genicot, Wermeerschs, and Pennacchi, namely, whether the prohibition extends to books of any kind, as Clement VIII decreed, applying the decree of the Council of Trent, or rather, whether it applies only to those books that cannot be published without the permission of the superior (and we maintain today that the prohibition is limited to these), it is certain in our case that members of religious orders are subject to a special law according to the form of their own regulations, as decreed by the Council of Trent. And this law is deservedly so: because it is not fitting for a religious, who neither wishes nor does not wish to publish a book, as Boniface VIII commands in chapter "Si religios," concerning elections, in VI, unless the superior permits it, because it is the duty of the superior, beyond the purity and integrity of doctrine, to consider the consequences that may follow for the citizens, even in the economic and civil order, and the order itself is obligated to bear, or suffer, the effects of these, so that it must answer for them, whether in court or out of court. Therefore, it clearly follows that the member himself, or his general procurator, must act and answer before the judge as a member of the order. As for the second question, the matter must be considered under a twofold aspect, namely: 1° Whether, according to common law before a judge, the defendant can bring a counter-suit against the plaintiff; 2° Whether the same is possible before the Rota [Apostolic Tribunal]. And with regard to the first point, according to common law, jurisprudence has established the rule that "the judge of the action is also the judge of the counter-suit, just as with an exception"; whether it is a judge of ordinary jurisdiction or a delegate, as Reiff. explains in *De foro competente*, number 145, with common argument, chapter 21, § 3, *De officiis delegatis*. The reason is that a counter-suit is truly a new action, and in this it differs from an exception; because the defendant institutes a new action and becomes the plaintiff, not because he must prove the facts asserted by him, as is also the case when the defendant becomes the plaintiff by raising an exception, but rather, a counter-suit contains a new

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petition and not simply a defense, as is the case with an exception.

[*Latin ed. p. 424*]

424 Acta Apostolicae Sedis. - Official Commentary. But this has a specific characteristic that distinguishes it from other actions, namely, that it has a close connection with the principal action instituted, the force of which is limited in its execution if a counter-claim is opposed, provided that some sort of compensation arises between the action proposed by the plaintiff and the counter-claim raised by the defendant. Therefore, it is useful for the same judge to hear both the action and the counter-claim, because in one judgment, as it were, both questions are settled with less expenditure of time, and useless expenses and useless circumlocutions are avoided; indeed, in the execution, a full or at least partial compensation of the rights and things sought by both parties is taken into account. Hence, the rule has been established that "related causes should not be divided," see argument 11, nulli. Cod. De iudic, and 3 ff., De iuris. omn. iud. and cc. 21, § 23, De off. deleg, and 3, De donat, inter vir. et uxor. Therefore, the judge who delegates a case is understood, in the rescript, to grant the power to also hear truly related cases, and especially a counter-claim, because of the aforementioned rule of law. Therefore, although the delegated jurisdiction is strictly governed so that it does not include anything not expressly stated in the rescript, c. 22, cum dilectio, de rescript., nevertheless, this does not apply to related cases because of the precept of law. But it could be objected that a true counter-claim is not understood, because we are dealing with criminal matters, in which compensation is hardly conceivable, so that the connection of cases of which we have spoken is not so urgent. Indeed, in Roman law, the rule also held that the defendant must defend himself against the crimes imputed to him, and he cannot do so if he accuses others of the same or other crimes, as Ulpian argues in 1. 5 ff. De public, iudic., explaining the matter so elegantly: "He who is made a defendant must clear himself, and he cannot accuse before he has been excused; for it is observed in the constitutions that the defendant is cleared not by the relationship of the crimes, but by his innocence." And this, in general, is an undoubted principle of law. But when the matter is of a crime of injury, or defamation, something else must be asserted: for injuries are not known in judgment unless they are brought forward by the party who has suffered the injuries; that is to say, this crime is said to be *privatum* under common Roman law; on the contrary, Ulpian speaks of public crimes, the punishment of which is considered to be of concern to the entire republic; on the other hand, in private matters, the action is said to be private, and is only considered if it is brought forward by him in whose interest it is, as has been accepted by Roman civil and canon law. Therefore, in cases of injury, as in other civil matters, compensation is given. Schmalz., De mut. petit., n. 11, explains the question as follows: "Exception (namely, to the general rule denying com-

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pensation in criminal matters) when he prosecutes his own or the injury of others; then, in such cases, the laws grant the right of counter-accusation even against the accuser."

[*Latin ed. p. 425*]

Saint Roman Law, 425, "its own." And this is plainly commanded by law 19 of the Code, which states that an accuser is not a defendant. Furthermore, our conclusion follows from another point: if one considers that it is the very nature of injuries that they are remedied if the one who has suffered the injury resorts to retaliation, inflicting another injury upon the adversary; thus, Reinff. states in "De iniur.," title, number 27; and in this sense, the rule enunciated by Innocent III concerning adultery, chapter 7, must be understood: "that when equal crimes are committed, they are mutually compensated," and this occurs in private offenses. The same is taught in Engel and Schmalz, "De iniur.," title, and is explained at length by the blessed Alphonsus in "Theologia Moralis," III, 999. Regarding the other aspect of the question, or the style of our Holy Tribunal, the Lords have noted that the principle of delegation is strictly interpreted and must be understood strictly according to the text of the decree, and this is proven by countless decisions. But those who inquire specifically about reconvention, in order to determine whether the style of the Rota has made an exception that common law allows due to the connection of causes through reconvention, have noted that in ancient decisions, the Lords seem to have been doubtful on this point, as is evident from decision 2 concerning mutual petitions. And the reason given there is that it was too easy for the Auditors of the Holy Palace to question, or interrogate, the Pope himself. The right of reconvention in the same judgment is recognized from cause 19, doubt 3, Fastoli. Therefore, in these ancient decisions, we see a certain interpretation made regarding the will of the Pope who is committing the act, if we are speaking of injuries. It is established in decision 3, "De iniur. et damn. dat.," in the ancient decisions, that the defendant can reconvene the plaintiff before the same Auditor, having obtained permission regarding the injuries, and the Decree "Dispensia" concerning rescripts, in VI, is cited. The reason is clear: because an injury contains a certain vehement provocation, namely, it provokes retaliation; therefore, the gravity of the injury cannot be measured unless, on the other hand, the force of the provocation or the mutual injury contemplated are considered. In later times, when the Auditors have always received from the commission the power to know the cause up to the final judgment, it has been held that the single commission implies the delegated power to know the causes connected to the principal cause, as taught by De Luca, "De iudic.," Discourse 32, concerning the Auditors of the Rota, number 7; and in several decisions, such as in decision 170, number 24, decision 209, numbers 9 and 11, and decision 204, number 11, P. VI, Recent, the rule is affirmed that it must be considered in the same

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judgment also regarding reconvention, provided that the defendant who is reconvening has prepared the necessary proofs to explain the reconvention; otherwise, if the reconvention were to delay the progress of the judgment; and this is clear from the very intention of common law. This conclusion has greater strength in the new style that we use after the Constitution "Sapienti consilio": for today, a single commission is sufficient to examine in the Rota the cause delegated in the second, third, and further instances.

[*Latin ed. p. 426*]

Acts of the Apostolic See. - Official Commentary. In this instance, if it should be necessary; otherwise, as previously, a new commission is required for instituting a second and subsequent instance in the Rota. Therefore, considering all these things, having invoked the name of Christ, We, the Auditors sitting for the tribunal, and with only God before our eyes, declare and pronounce that it pertains to the Plaintiff also to bring an action in Rome against P. Procurator General of the O.F.F. PP. for the possible restoration of damages in the case; furthermore, that the reconvention should be admitted in the case; that is, to both doubts, we respond: Affirmative. In Rome, in the seat of the Tribunal of the Holy Roman Church, on the 16th of March, 1912. M. Lega, Dean, Presiding. Ios. Alberti. P. Rossetti. Sac. T. Tani, Notary. DIARY OF THE ROMAN CURIA. HOLY CONGREGATION OF RELIGIOUS. APPOINTMENTS. June 5, 1912. - Following a competition, the Reverend Fathers Aldo Laghi, Francesco Lazzara, and Ernesto Jallonghi have been appointed Officials of the Holy Congregation of Religious. HOLY CONGREGATION OF RITES. PREPARATORY MEETING. On June 4, 1912, before the Most Eminent and Reverend Signor Cardinal Domenico Ferrata, Presiding in the Cause of Beatification and Canonization of the Venerable Servant of God, Francesco de Castillo, professed Priest of the Society of Jesus, the Preparatory Meeting of the Holy Rites was held; in which the doubt regarding the heroism of the virtues exercised by the aforementioned Venerable Servant of God was discussed by the Reverend Prelates and Consultors.

[*Latin ed. p. 427*]

Diarium Romanae Curiae. SECRETARIA STATI. BY ORDER. The Holiness of Our Lord, Pope Pius X, desiring to contribute to the greater solemnity of the Eucharistic Congress which will be held in Vienne in the coming month of September, on May 30, 1912, deigned graciously to appoint the Most Reverend Cardinal Guglielmo van Rossum to preside over said Congress with the exalted title of Papal Legate. By letters from the Secretariat of State, the Holy Father deigned to appoint: May 30, 1912. — The Most Reverend Cardinal Ludovico Billot, Protector of the Institute of the Fathers Missionaries of "Notre-Dame de la Salette." June 9. — The same Most Reverend Cardinal Ludovico Billot, Protector of the

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Sisters Auxiliaries of the Souls in Purgatory. By letters and briefs from the Secretariat of State, the Holy Father deigned to appoint: Assistant to the Papal Throne: May 20, 1912. — Monsignor Gisleno Veneri, Bishop of Acquapendente. Apostolic Protonotary, as if participating: May 24, 1912. — The Reverend Francesco Saverio Irastorza y Loinaz, General Vicar of Ciudad-Real. Domestic Prelates of His Holiness: May 10, 1912. — The Reverend Carlo Solci, Dean of the Parish Priests of Mantua. — The Reverend Doctor Giovanni Biden, Rector of the Cathedral Church of Buffalo. May 23. — The Reverend Canon Biagio di Jaszowski, Professor of Canon Law and Pedagogy at the University of Leopoli. May 24. — The Reverend Eligio Fernandez Alcázar, Ecclesiastical Fiscal Promoter of Ciudad-Real. June 3. — The Reverend Doctor Giuseppe Mausbach, Senior of the Theological Faculty of Münster. HONORS. By letters and briefs from the Secretariat of State, the Holy Father deigned to bestow the following honors: The Grand Cross of the Order of St. Sylvester Pope: June 2, 1912. — To the Honorable Captain Count Augusto de Couëssin, current Head of the Regiment of the Pontifical Zouaves. The Commander's Cross with plaque of the Order of St. Gregory the Great, civil class: June 6, 1912. — To the Honorable Antonio Maréchal, first magistrate of Collex-Bossy.

[*Latin ed. p. 428*]

428 Acta Apostolicae Sedis. - Commentarium Officiale. The Order of Saint Gregory: June 2, 1912. — To the Most Noble Captain Baron Alain de Charette. The Order of Saint Gregory the Great, civil class: May 31, 1912. — To Mr. Giuliano Mack, President of the "Association Amicale des Anciens Élèves des Frères des Écoles chrétiennes et de l'École Saint-Joseph," of Dijon. The Order of Saint Gregory: June 21, 1912. — To Mr. Onorato de Winde, Secretary of the Catholic Association of Brussels. June 2. — To Mr. Maurizio de Rean, formerly Lieutenant in the Pontifical Zouaves Regiment. — To Mr. Giorgio du Prè de Saint-Maure, formerly a Non-Commissioned Officer in the same regiment. The Order of Saint Gregory the Great, civil class: May 21, 1912. — To Mr. Giovanni Brac de la Perrière, President of the Union of Catholic Gymnastics and Shooting Societies of the Lyonnaise region. May 30. — To Mr. Doctor Giuseppe Magne, Founder of the "École Montalembert" in Limoges. — To Mr. Gastone Fougeras-Laverynolle, President of the aforementioned school. June 1. — To Mr. Giacomo Prendergast, of the Archdiocese of Boston. — To Mr. Lawyer Enrico Cunningham, of the same Archdiocese. — To Mr. Pietro Onorato Fortin, of the Diocese of Bayeux. June 7. — To Mr. Teófilo Charpin, of the Archdiocese of Aix. The Order of Saint Gregory the Great, military class: May 31, 1912. — To Mr. Carlo Philippovic, Captain in the Austrian army. The Order of Saint Sylvester: June 7, 1912. — To Mr. Sesostris Sidarouss Bey, Professor of civil law at the Khedivial Institute of Babylon.

NECROLOGY. May 1912. — Bishop Giacomo Corbett, Bishop of Sale in

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Australia. June 2. — Bishop Giulio Firczak, Bishop of Munkács, of the Greek Ruthenian rite. — Bishop Casimiro Vie, titular Bishop of Metellopoli and Apostolic Vicar of Eastern Kiang-Si. June 3. — Bishop Prospero Maria de Bonfils, Bishop of Mans.

[*Latin ed. p. 429*]

Year IV. - Vol. IV. July 1, 1912. No. 12. OFFICIAL ACTS OF THE APOSTOLIC SEE. COMMENTARY. ACTS OF POPE PIUS X. APOSTOLIC LETTER "SUB PLUMBO."

I. ERECTION OF THE HAJDU-DOROGHA DIOCESE OF THE GREEK CATHOLIC RITE IN HUNGARY.

PIUS, BISHOP, SERVANT OF THE SERVANTS OF GOD, FOR THE PERPETUAL COMMEMORATION OF THIS EVENT.

It is known to all that the Greek Catholic faithful, who are subject to the Kingdom of Hungary, have never failed to provide outstanding examples of faith, piety, and devotion to the Apostolic See. Therefore, it is not surprising that the Roman Pontiffs have shown them singular benevolence, and have spared no effort to ensure that the ecclesiastical hierarchy among them would experience ever greater growth, establishing new dioceses and episcopal sees whenever it has been required, either by the increase in the number of the faithful, or by the necessity of establishing new centers for the teaching of the Catholic faith. This, indeed, was accomplished by our predecessor, Pope Pius IX, who, as a testimony of his particular will and paternal solicitude towards the Catholics of Romania, added the new dioceses of Lugosiensem and Armenopolitanum, also known as Szamosujváriensem, to the ancient dioceses of the Romanian rite, and furthermore, established one of them as an ecclesiastical province, granting to its metropolitan see, along with its rights and privileges, the ancient cathedral sees of Fogaras and Albae Iuliensi.

[*Latin ed. p. 430*]

430 Acta Apostolicae Sedis. - Official Commentary. The Romanian Catholics are not only deserving, but have also become worthy in this way, either through the firm defense and propagation of the faith among the Romanians, or through love and filial obedience to the Roman Pontiff, so that they may serve as an example of all virtues to the Catholics of the entire East. Indeed, among the faithful of the Greek rite, there have arisen those who speak the Hungarian language, and who have most earnestly petitioned the Holy See to establish a diocese for them. It is certainly to be hoped that this establishment will greatly contribute to the fostering of the Christian religion, peace, and unity among the faithful of the Greek rite who speak various languages, that the bonds which unite the apostolic Kingdom of Saint Stephen to the Chair of the Apostles will be strengthened, and that the danger of that most deplorable abuse

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will be averted, which has been repeatedly condemned by the Supreme Pontiffs, namely, the introduction of vernacular languages into the sacred Liturgy. Therefore, We, graciously accepting the wishes of His Majesty Francis Joseph, Emperor of Austria and King of Hungary, as well as the prayers of our venerable brothers, the Cardinal Primates, the Archbishop of Gran, and other sacred prelates of that Kingdom, having diligently and maturely considered all things, and further, to the extent that it may be appropriate, with the consent of those who may presume to have their own interests involved, by the fullness of our apostolic power, We decree the establishment of one diocese of the Greek rite Catholic faithful in the Kingdom of Hungary, to be called Hajdu-Doroghen, in the following manner. First, we permanently assign and allocate to this new diocese the following parishes, which, for this reason, We divide and separate from the dioceses to which they currently belong, by our apostolic authority, namely, from the diocese of Eperjes: Felsozsolcza, Görömböly, Hejökeresztur, Miskolcz, Sajópálfalva, Sajópetri, Sajószöged, Komlóska; from the diocese of Munkácsi: Bodrogkeresztur, Bodrogolaszi, Mezőzombor, Szerenc, Tokaj, Tolcsva, Sárospatak, Sátoraljaújhely, Végardó, Zemplén, Bodrogszerdahely, Cséke, Dámóc, Kisdobra, Dobrogmezö, Zemplénagárd, Bököny, Hajdúböszörmény, Debreczen, Hajdudorogh; Érpatak, Tiszabüd, Ujfehértó, Ajak, Révaranyos, Nyírkárász, Nyirmada, Nyírtass, Tornyospálcza, Nyírgyulai, Kállósemlyén, Kisléta, Levelek, Máriapócs, Nyirbakta, Biri, Kotaj, Nagykálló, Napkor, Nyíregyháza, Oros, Nyirpazony, Nyirgelse, Nyirbéltek, Nyirlugos, Nyírpilis, Penészlek, Piricse, Balsa, Buj, Kenézlö, Vericsello, Timár, Nyirderes, Fábiánháza, Gebe, Hodász, Nagydobos, Nyírcsászári, Nyirvasvári, Opályi, Nyirparasznya, Ján k, Kökényesd, Nagypeleske, Sárközujlak, Nagykároly, Szatmárnémeti, Szárazberek, Turterebes; from the diocese of Szamosujvári: Batizvasvári, Szatmár (Romanian parish), Szatmár.

[*Latin ed. p. 431*]

Acta Pii PP. X. 431 udvari, Józsefháza; from the diocesan of Magnovarad, pertaining to Romanians: Amacz, Szatmárzsadány, Nagykolcs, Csengerbagos, Gsegöld, Csengerujfalu, Óvári, Pete, Porcsalma, Szamosdob, Vetés, Csomaköz, Domahida> Gencs, Kismajtény, Nagykároly (Parish of Romanians), Részege, Szaniszló, Érdengeleg, Érendréd, Mezöterem, Portelek, Vezend, Éradony, Érkörtvélyes, Értaresa, Gálospetri, Nyiracsád, Nyiradony, Piskolt, Nyirábrány, Vasad, Álmosd, Bagamér, Érkenéz, Érselind, Hosszupályi, Kakád, Nagyiéti (Parish of Romanians), Nagyléta (Parish of Ruthenians), Pocsaj, Vértes, Makó, Nagyvárad (Parish of Ruthenians); from the archdiocese of Fogaras: Árkos, Nagyborosnyó> Nagykászon, Csikszentgyörgy, Csiklázárfalva, Gelencze, Illyefalva, Lemhény, Lisznyó, Kézdiszentkereszt, Torja, Abásfalva, Alsóboldogfalva, Bőzödujfalu, Sóvárad, Szárazajta, Székelyszenterzsébet, Székelyudvarhely,

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Oláhzsákod, Gyergyóalfalu, Gsikszentdomokos, Szépviz, Gyimesbükk, Gyergyószentmiklós, Gyergyóvasláb, Nyárádandrásfalva, Nyárádbálintfalva, Harasztkerék, Nyárádkarácson, Kebeleszentivány, Marosvásárhely, Székelysárd, Szentháromság, Szentlörincz, Kisteremi; from the archdiocese of Strigonium: Budapest. Although three of the parishes mentioned, Budapest, Makó, and Magnovarad (Nagyvárad), are located far from the territory of the Hajdu-Doroghen diocese, and although almost all of their faithful speak Hungarian, it seemed opportune to add and incorporate them into the newly established diocese. As for the parishes belonging to the archdiocese of Fogaras, which are both distinct from the new diocese and distant from its episcopal seat, we grant that they shall be governed by the Ordinary of Hajdu-Doroghen through a Vicar appointed and established by him. We permanently erect and establish the episcopal seat of this diocese within the city commonly called "Hajdu-Dorog," which is sufficiently large and provided with the amenities of life, and from which the diocese itself derives its name; and we elevate and promote to the rank and dignity of a cathedral, permanently, the church dedicated to the Blessed Virgin Mary, under the title of her Presentation, which is located there, and which is considered worthy and suitable, so that it shall continue to be a parish church under the same title and invocation; furthermore, we permanently erect and establish a cathedral chapter, consisting of six canons, under a major Archpriest or Prefect, as its head; granting to the episcopal seat, and to the cathedral church or chapter, all honors, rights, privileges, and prerogatives that belong to them by right, or which other cathedrals and episcopal churches of the same rite in Hungary possess and enjoy by legitimate custom.

[*Latin ed. p. 432*]

432 Acta Apostolicae Sedis. - Official Commentary. We establish the residence of the new bishop and his successors for the time being in the buildings offered by the community of Hajdu-Doroghen, which, however, must be adapted by the care of the Hungarian Government, so that they may provide a suitable and appropriate dwelling for the bishop and his episcopal family. Furthermore, according to agreements made with the same Government, we assign and allocate to the episcopal table, for his endowment, the sum of forty thousand crowns to be paid annually from the public treasury; for the episcopal curia and other diocesan offices, another sum of twelve thousand crowns; and finally, for the vicar, in the parishes to be divided from the Archieparchy of Fogaras, the same sum of crowns, as other vicars of dioceses of the Greek rite in Hungary enjoy. Similarly, to the canons of the new cathedral chapter, in addition to a suitable and appropriate dwelling in the buildings constructed by the community of Hajdu-Doroghen, we entirely assign and allocate an endowment to be paid by the Hungarian Government, as is customary for the canons of other

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cathedrals of the Greek rite in Hungary, namely, to the Archpresbyter or Major Prefect, six thousand and two hundred crowns; to the Archdeacon or Lector, five thousand and six hundred crowns; to the Ecclesiarch or Custos, four thousand and ninety crowns; to the Scholasticus, four thousand and seven hundred crowns; to the Chartophylax or Chancellor, four thousand and five hundred crowns; and to the Praebendarius, four thousand and one hundred crowns. We wish that the Hungarian Government, according to the obligation it has undertaken, support the expenses, whether for the repair of the episcopal and canonical buildings, or for the construction of the cathedral church and its sacristy, or for the necessary maintenance of the cathedral itself. When the need arises, we command that a diocesan seminary be established for the proper instruction and education of younger clerics, to which the Hungarian Government will also provide the constructed buildings, together with the expenses for their repair, and for the support and maintenance of the students and professors. We also decree that the ancient endowments of bishops of the Romanian rite be observed, as before, and that the benefits hitherto possessed be maintained, as well as the pious foundations established for the benefit of the Romanian dioceses, so that they cannot be separated from those dioceses and attributed to the new diocese of Hajdu-Doroghen, and that they remain valid. With regard to the liturgical language of this newly established diocese, we decree that it be the ancient Greek, and that the vernacular be tolerated only in non-liturgical functions, in the same way as is permitted in churches of the Latin rite, according to the decrees of the Holy See. And so that the priests of the aforementioned new diocese may have the necessary means...

[*Latin ed. p. 433*]

The acts of Pope Pius X, page 433, concerning the learning of the ancient Greek language, state that within three years, the erection of this diocese will be completed, and thereafter, in each parish, the liturgical language will be used which has been customary until now, with the Hungarian language being entirely prohibited, since, as it is not a liturgical language, it may never be used in the sacred liturgy. We foster a firm hope that this prescription of the Holy See will be observed with the utmost piety, and that the Government of Hungary, as it has promised in a treaty, will provide all assistance and diligent cooperation to the sacred pastors for the time being. Therefore, wishing to express our gratitude, we offer our felicitations to His Majesty Francis Joseph, Emperor of Austria and King of Hungary, for the generosity with which he has decreed that all expenses necessary and appropriate for the establishment of the Hajdu-Doroghen diocese shall be borne from the public treasury, and we are also confident that the same Most Excellent Majesty will also, in the future, consider the growth and prosperity of the churches of the Eastern rite, as well as those of other rites existing within his domains. To the aforementioned Most Excellent Majesty,

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and his successors, we grant the right, for the time being, to nominate or present to the Roman Pontiff a worthy and suitable ecclesiastical man, endowed with all the qualities required by the sacred canons, to be appointed by the same Roman Pontiff as Bishop of the aforementioned Hajdu-Doroghen cathedral church. Furthermore, we hereby subject the Hajdu-Doroghen diocese, as it is erected, to the jurisdiction and dependence of the Sacred Congregation for the Propagation of the Faith, for matters concerning the Eastern Rites, and we constitute it as a suffragan diocese of the Latin rite archdiocese of Strigonium, to whose archbishop, as metropolitan, we subject the bishops of Hajdu-Doroghen for the time being. These present letters, and all that they contain, shall never, at any time, through any fault or defect, or for any other reason, however legal, legitimate, pious, or privileged, even if the causes for which the aforementioned were issued were not proven or justified, be subject to the vice of surreptition, or subversion, or nullity, or invalidity, or to any other substantial, most substantial, unforeseen, or conceivable defect, or even if the formalities and all that must be observed and fulfilled in the aforementioned have not been observed and fulfilled, or for any other reason, pretext, or cause, or by any other means, shall be considered invalid.

[*Latin ed. p. 434*]

434 Acta Apostolicae Sedis. - Official Commentary. It would be necessary to express, to note, to challenge, to invalidate, to retract, to bring into law or controversy, or to obtain a remedy for the sake of law or fact, or for the sake of grace or justice, or even, with equal grant and attainment of motion, knowledge, and power, to be able to use, or to be assisted in, judgment and outside of it, and that these [rights] should not be comprehended, or considered comprehended in any way, under any similar or dissimilar revocations, suspensions, limitations, derogations, or other contrary provisions by any apostolic letters or constitutions, or by the rules of the apostolic chancery, even by consistorial decrees for any reason and under any expressions of words, contents, and forms (even if in these, special mention is made of the same parts and of the entire tenor thereof), but should always be excepted from them and, whenever they are issued, should be restored, reinstated, and fully reintegrated into their original and most valid state, and should also be granted and deemed to be granted anew under any subsequent date whenever chosen, and should have and obtain their full and complete effects, and should be considered and observed by all firmly and inviolably, and thus and no other way, by any judges ordinary or delegated, exercising any authority or shining with any dignity, including Auditors of the Palace of Causes, and Cardinals of the Holy Roman Church, even Legates from the Lateran, Vice-Legates, and Nuncios of the aforementioned See, with their power and faculty of judging and interpreting otherwise removed, must be judged and defined, and We

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decree that it shall also be null and void if, by anyone, with any authority, knowingly or unknowingly, anything should happen to be attempted concerning these matters.

Finally, We order that the venerable brother Raphael Scapinelli de Léguigno, titular Archbishop of Laodicea, and Apostolic Nuncio at the Imperial and Royal Austro-Hungarian Court, with all necessary and appropriate faculties, including the power to delegate, be appointed to carry out these matters, and to definitively pronounce on any difficulty or opposition that may arise in the execution thereof, provided that he shall send within six months to the Sacred Consistorial Congregation an authentic copy of the completed execution.

Notwithstanding, it is necessary that Our rule and that of the apostolic chancery "De iure quaesito non tollendo" and the perpetual decrees of the most recent Lateran Council, except in cases permitted by law, prohibit any such action, as well as other special or general constitutions and ordinances apostolic, issued or to be issued in synodal, provincial, general, and universal councils.

[*Latin ed. p. 435*]

The Acts of Pope Pius X, 435, also with all privileges, indulgences, and any prior Apostolic Letters, to any person or persons in general or in particular, or to others, to the contrary, which may have been granted, approved, confirmed, or renewed in any way whatsoever, all of which and each of which, even if for their sufficient derogation, would have required a special, specific, express, and individual mention, or any other precise form to be observed, the same being inserted as if, word for word, nothing had been omitted and the form therein was observed, with the same present [documents] being held fully and sufficiently expressed (while remaining in their full force), most broadly and completely, and specially and expressly, for the effect of the present [documents] and the validity of all and each of the aforementioned, for this occasion only, with the same full power, knowledge, and authority of these [documents] derogating, and with all other contrary things whatsoever. We wish that these present Letters, even if copied or printed, but signed by the hand of a public Notary and sealed with the seal of a person constituted in ecclesiastical dignity, be given the same full faith in judgment and outside of it as would be given to them if the originals were exhibited or shown. Therefore, it is not permitted to any human being to violate this page of Our dismemberment, erection, institution, concession, indulgence, grant, statute, subjection, decree, commission, mandate, derogation, and will, or to dare to contradict it with reckless audacity; but if anyone should presume to attempt this, let him know that he will incur the wrath of Almighty God and of the blessed Apostles Peter and Paul. Given at Rome, at St. Peter's, in the year of Our Lord nineteen hundred and twelve, on the eighth day of the month of June, in the ninth

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year of Our Pontificate.

A. CARDINALIS AGLIARDI, S. B. E.

Chancellor.

For the Eminent Secretary of the Sacred Consistory, Scipio Tecchi being absent, Adsessor.

L.©P. Registered in the Apostolic Chancery, No. 48112.

M. RIGGI, G. A., Notary.

[*Latin ed. p. 436*]

436 Acta Apostolicae Sedis. - Official Commentary. II. THE TRANSFER OF THE PARISH OF SAINT MARY OF THE ROSARY AND THE ERECTION OF THE NEW PARISH OF SAINT JOSEPH ON THE VIA TRIUMPHALIS. PIUS, BISHOP, SERVANT OF THE SERVANTS OF GOD, FOR THE PERPETUAL COMMEMORATION OF THIS EVENT. Since the number of inhabitants in the City of Rome, as in other regions, especially the more remote ones, and also in the fields below the Vatican, had increased, and therefore the salvation of souls required greater assistance in the practice of religion, it was determined by this Apostolic See to establish, within the boundaries of the parish of the Most Holy Mary of the Rosary, whose church, located on Mount Mario, was no longer frequented by many of the parishioners residing in the surrounding area, another church in a more suitable location, in which a pastor would exercise his pastoral duties. Now, for the same reason, We are moved not only to enhance the canonical status of this church, but also, by detaching a portion from the aforementioned parish, to establish a new parish. Therefore, from the old church, which We mentioned as being located on Mount Mario, We transfer, by Apostolic authority, the very parochial rights, together with all revenues and assets connected to said rights, to the new church of the Most Holy Mary of the Rosary, and We declare this transfer to be valid. Furthermore, also by the fullness of Apostolic authority, We establish a new parish in the church of Saint Joseph, the spouse of the Most Holy Mary, recently constructed on the Via Triumphalis, which is within the boundaries of the aforementioned parish, and We attribute to it all the rights, revenues, and assets which belonged to the parish of Saint Marcellus, as extinguished by Apostolic Letters dated the fourth day before the Ides of May in the year 1909. However, the extent of this parish will be only as much as Our Cardinal Vicar in the City shall determine; and We grant him the power to define the boundaries of both parishes, that of Saint Joseph and that of the Most Holy Mary of the Rosary. We decree that these present Letters shall always be firm, valid, and effective, and shall have and obtain their full and complete effect; and that they shall be considered null and void if anyone should attempt

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to alter them in any way, without prejudice to Our and the Apostolic Chancery's regulations regarding legal matters, and to other Apostolic constitutions and ordinances, or to any other statutes established with full force.

[*Latin ed. p. 437*]

Acts of Pope Pius X, 437, concerning customs and other matters, including those of particular note. Given in Rome, at Saint Peter's, in the year of Our Lord nineteen hundred and twelve, on the ninth day before the Kalends of June, in the ninth year of Our Pontificate. A. CARDINALIS AGLIARDI, S. B. E., Chancellor. Raphael Virili, Apostolic Protonotary. Ludovicus Schüller, Apostolic Protonotary. h. gs P. Reg. in Cane. Ap., N. 42112. M. RIGGI, 0 C. A., Notary. III. CONCERNING THE ESTABLISHMENT OF NEW PARISHES IN THE ROMAN AGRI. PIUS, BISHOP, SERVANT OF THE SERVANTS OF GOD, FOR THE PERPETUAL REMEMBRANCE OF THIS. As long as the Roman Agri, due to its vast extent, was very inhospitable, especially on account of the harsh climate, the number of inhabitants was such that, by the authority of Our predecessors, their spiritual welfare was adequately provided for, who, according to the varying distances of the places, entrusted their care to suburban or suburbicarian parishes. However, after that region, having become somewhat more healthful, began to be frequented by more cultivators, Pope Pius IX of blessed memory, understanding that the salvation of souls required greater assistance there, entrusted the task to urban priests, those in charge of the Hospitium Centum Presbyterorum, to oversee all matters pertaining to the religious life of the Roman Agri. These individuals, through diligent and attentive care, rightly and usefully carried out the work entrusted to them until the end of the previous year: and since We deemed the work they had begun to be successful, We decided, through Our authority, to further it. For in the apostolic Constitution *Etsi nos*, published at the beginning of this year concerning the Vicariate of the City, We prescribed, among other things, that a priest be chosen by the Cardinal Vicar, with the approval of the Supreme Pontiff, to be responsible for the Roman Agri, who, "under the authority and guidance of the Cardinal himself and the "Assessor, shall have immediate care of these matters.

[*Latin ed. p. 438*]

Acts of the Apostolic See. - Official Commentary. 438 « of all those things which are to be determined and carried out within the same territory for the salvation and discipline of the clergy and the faithful ». Now, indeed, with the urgent purpose of providing safeguards for eternal salvation to this multitude of people, We have decreed to establish six parishes within the territory of Rome, scarcely as Our resources will allow. Therefore, We

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entrust this matter, which must certainly be carried out gradually, to the Cardinal Vicar of the City: who, in the meantime, will designate suitable locations for the construction of sacred buildings and for the houses of the parish priests; and who, when such buildings have been erected and We have readily available all that is necessary, will then, one by one, establish the six parishes which We have mentioned, and will define the boundaries within which each must be contained. Whatever he may do in this matter, We wish and command that it be considered valid and approved by the fullness of the apostolic power. We decree that these present letters shall always be firm, valid, and efficacious, and shall have and obtain their full and complete effect, and shall be void and null if anything should happen to be attempted against them by anyone, notwithstanding Our and the Apostolic Chancery's regulations concerning legal matters, and other constitutions and apostolic ordinances, or any other statutes, customs, or other contrary things, even those especially worthy of mention. Given at Rome, at Saint Peter's, in the year of Our Lord nineteen hundred and twelve, on the ninth day before the Kalends of June, in the ninth year of Our Pontificate. A. CARDINALIS AGLIARDI, S. R. E. Chancellor. Raphael Virili, Apostolic Prothonotary. Ludovicus Schüller, Apostolic Prothonotary. L. & P. Heg. in Cane. Ap., N. 43/12. M. RIGGI, C. A. Notary.

[*Latin ed. p. 439*]

Acta Pii PP. X. LETTERS 439 APOSTOLIC. I. ERECTION OF AN ARCH-SOCIETY, WITH THE FACULTY OF AGGREGATING ASSOCIATIONS OF THE IMMACULATE VIRGIN, EVERYWHERE, UNDER THE TITLE OF THE QUEEN OF THE CLERGY. PIUS PP. X. For the perpetual memory of the matter.

It has been clearly demonstrated to Us that a pious association in the parish church of St. Nicholas, commonly known as "du Chardonnet," in the city of Paris, has been canonically established since the year 1906, which, under the title of the Immaculate Virgin, Queen of the Clergy, seeks to attract priests and the faithful, so that, whether through prayers or through some offering made for the love of God, they may foster and encourage not only the sanctity of the priesthood, but also the secular and regular clergy. This association has been so pleasing and well-received by Us that, in the same year, on the feast of the Ascension of Our Lord, We approved it with Our own hand and enriched it with special privileges and indulgences. Now, since this fruitful association has spread to other dioceses and even to distant regions, with the help of God, and is desired by many bishops, We, receiving with pleasure the petitions presented to Us concerning St. Nicholas, hasten to honor it with the title of Arch-Society, and with the faculty of adding other associations to itself.

Therefore, by Our apostolic authority, by the tenor of these presents, We erect and establish the aforementioned association of Mary Immaculate,

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under the title of the Queen of the Clergy, existing in the parish church of St. Nicholas, commonly known as "du Chardonnet," in the city of Paris, as an Arch-Society, with the usual privileges, perpetually.

To the officials and members, present and future, of the Arch-Society thus erected, We likewise grant and bestow, by the same apostolic authority, through these Letters, perpetually, that they may lawfully aggregate to themselves any other associations of the same name and institute, erected or to be erected anywhere in the world, always observing the form of the Constitution of Pope Clement VIII, Our predecessor, and all other apostolic ordinances issued by the Apostolic See. They may also lawfully communicate to them all and each of the indulgences, remissions of sins, and relaxations of penances granted by the Apostolic See to the said association, as it is erected into an Arch-Society by Us, and which may be granted to others.

We decree that these Letters are firm and valid.

[*Latin ed. p. 440*]

Acts of the Apostolic See. - Official Commentary. 440. These [decrees] are always effective and remain so, producing and obtaining their full and complete effects, and they fully apply to those to whom they apply or may apply; and it must therefore be rightly judged and determined that they are invalid and void if, in any way, any authority, knowingly or unknowingly, should attempt to alter them. Notwithstanding any contrary things. Given in Rome, at Saint Peter's, under the Fisherman's Ring, on the 21st day of May, 1912, in the ninth year of Our Pontificate. R. CARD. L. S. MERRY DEL VAL, Secretary of State.

THE APOSTOLIC PREFECTURE OF THE SOLOMON ISLANDS, WITH CHANGED BOUNDARIES, IS ERECTED INTO AN APOSTOLIC VICARIATE OF THE SOUTHERN ISLANDS. PIUS PP. X. For the sake of future memory. - We are always greatly pleased when we are informed that the number of the faithful in a region has increased to the point that a new Church with its own pastor should be established there. Therefore, our beloved son, John Raffin, Superior General of the Society of Mary, has made supplications to us, so that We might deign to change the boundaries established since 1897 for the apostolic prefectures of the Solomon Islands, to which the religious of that same Society have been entrusted, and to constitute the southern islands, where, with God's help, greater progress in the Catholic faith is being demonstrated, into an apostolic vicariate. We, being persuaded that these new arrangements will be for the greater good of those islands, and that the apostolic vicariate will especially achieve the goal of raising up missionaries and weakening the efforts of heretics, have considered these pious requests, after careful deliberation with Our Most Reverend Fathers and Brothers, Cardinals, who are devoted to the propagation of the Christian name, and have judged them to be worthy

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of approval. Wherefore, by Our own authority, with full knowledge and by the fullness of Our apostolic power, We change the boundaries of the apostolic prefectures which are composed of the Solomon Islands, according to the proposed plan, and establish new boundaries, and We erect and constitute the southern prefecture into an apostolic vicariate, retaining the same name, by which the prefecture was called, namely, the Southern Solomon Islands. Therefore, to those islands, which are under English dominion in the present time,

[*Latin ed. p. 441*]

The Acts of Pope Pius X, 441, establish a new apostolic vicariate, which is commonly known as Isabel, New Georgia, Guadalcanal with its adjacent territories, and Malaita and St. Christoval, together with their adjacent areas. We decree that these present letters shall always be firm, valid, and efficacious, and shall fully and completely produce and obtain their intended effects for those to whom they apply, now and in the future, in all things and through all things, and that in the aforementioned matters, any judgment or decision made by ordinary or delegated judges must be in accordance with these, and that it shall be void and null if, by anyone, knowingly or unknowingly, with any authority, anything contrary to these should occur. Notwithstanding Our regulations and those of the Apostolic Chancery regarding legal matters, which are not to be disregarded, and all other matters, even those deserving special and individual mention and derogation, which may be contrary to these. Given in Rome, at St. Peter's, under the Fisherman's Ring, on the first of June, 1912, in the ninth year of Our pontificate. R. CARD. MERRY DEL VAL, Prefect of the Sacred Congregation of the Holy Office. LETTER TO THE REVEREND FATHER JAMES DUHIG, BISHOP OF ROCKHAMPTON, CONCERNING THE FIFTY ANNIVERSARY OF THAT CHURCH. Venerable brother, greetings and the apostolic blessing. — We have learned that the faithful Catholics of this region will receive you next September, at the end of the year marking the fiftieth anniversary since the founding of the Rockhampton church. At that time, solemn festivities are planned, and all the bishops of Australia, accompanied by a large number of priests, will come to share in this joy. We are very pleased to hear this; and we offer our support to you and to the other authors and leaders of this undertaking, praising and commending your efforts. We know that rapid progress has been made in the Christian religion and in human affairs here; so that the small Rockhampton mission has, in a short time, become a large and well-established diocese. It is entirely fitting that you should, therefore, celebrate this anniversary, give due thanks to God for His blessings, and, inspired by the remembrance of His benefits, strive for even greater things. Furthermore, considering your diligence, and also the great harmony among the clergy of Australia, which shines forth so brilliantly here, we are not only pleased with this diocese,

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but with all of Australia.

[*Latin ed. p. 442*]

From the Acts of the Apostolic See. - Official Commentary. We seem justly to hope for better things. Therefore, you may be assured that We, present in spirit at your sacred celebrations, impart to you, venerable brother, and to all who will celebrate them, the apostolic blessing, a pledge of divine graces, with the greatest affection. Given in Rome, near St. Peter's, on the ninth day of the month of May, in the year 1912, in the ninth year of Our Pontificate. PIUS PP. X. I. DECREE CONCERNING DISPENSATIONS REGARDING THE IMPEDIMENT OF DISPARITY OF CULT, WHICH SHOULD NEVER BE GRANTED WITHOUT DUE CAUTIONS. In a plenary session of the highest sacred Congregation of the Holy Office, held on Thursday, April 16, 1890, the following question was proposed: "Whether, when granting dispensations concerning the impediment of disparity of cult, prescribed cautions should always be required from those who have the power to grant them from the Holy See." After the Most Eminent and Most Reverend Cardinals, general inquisitors in matters of faith and morals, had diligently examined the matter, it was decreed: "A dispensation concerning the impediment of disparity of cult should never be granted, unless all conditions or cautions have been expressly stated." On the same day, and on Saturday, the Most Holy Pope Leo XIII, in his customary audience with the Reverend Father, the Assessor of the same highest sacred Congregation, deigned to approve and confirm the resolution of the Fathers. Contrary opinions notwithstanding. Given in Rome, from the offices of the Holy Office, on June 21, 1912. Aloisius Castellano, Secretary of Breves and Universal Letters.

[*Latin ed. p. 443*]

Sacred Congregation of the Holy Office. 443. DECREE CONCERNING A DISPENSATION REGARDING THE IMPEDIMENT OF DISPARITY OF CULT, GRANTED WITHOUT THE NECESSARY PRECAUTIONS. In a plenary session of the most holy Sacred Congregation of the Holy Office, held on Thursday, June 12, 1912, the following questions were proposed: 1. Whether a dispensation regarding the impediment of disparity of cult, granted by one having authority from the Holy See, without the prescribed precautions having been observed or denied, is valid or not? And, in the negative: 2. Whether, in these cases, when it is clearly established that a dispensation has been granted in this invalid manner, the Ordinary can declare the marriage null *per se*, or whether it is necessary, in each case, to appeal to the Holy See for a definitive judgment? The Most Eminent and Reverend Lords, Cardinals, Inquisitors General in matters of faith and morals, having carefully considered all things, decreed as follows: To the first question: A dispensation, as described, is declared to be null. To

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the second question: Affirmative to the first part; negative to the second part. And on the following Friday, June 13 of the same month, the Most Holy Lord Pope Pius, by divine providence, PP. X, deigned to approve and confirm the resolution of the Fathers, with a benevolent gesture. Notwithstanding any objections. Given at Rome, from the offices of the Holy Office, on June 21, 1912. Aloysius Castellano, Secretary of the Sacred Congregation. III. DECREE CONCERNING PAROCHIAL ASSISTANCE IN MIXED MARRIAGES IN WHICH THE PRESCRIBED PRECAUTIONS ARE EVASIVELY AVOIDED BY THE PARTIES. Since, by the Decree *Ne temere* of August 2, 1907, no. IV, it is expressly and without any distinction decreed that parish priests and Ordinaries can validly assist at marriages, provided that they are invited and requested, and that they obtain the consent of the parties; serious difficulties have arisen in practice.

[*Latin ed. p. 444*]

Acts of the Apostolic See. - Official Commentary. 444 pertains to mixed marriages in which, despite the persistent refusal of the parties concerned to provide the required guarantees, the Holy See, considering the particular circumstances of certain places, had previously, as an exception and as a sort of ultimate limit of tolerance, sometimes permitted only the physical presence of the parish priest. The matter being brought before this most holy Congregation of the Holy Office, to which, according to the apostolic Constitution "Sapienti consilio," remains the full power to know those things concerning impediments arising from disparity of cult and mixed religion, and in a plenary session held on Wednesday, the 4th of the month, on May 21, 1912, after the prior vote of the Most Reverend and Illustrious Consultors, carefully discussed, the Most Reverend and Illustrious Cardinals, General Inquisitors in matters of faith and morals, having considered all matters maturely, decreed: "The prescription of the Decree *Ne temere*, n. IV, § 3, concerning the requirement, through the 'parish priest, by way of exception,' of the 'consent of the contracting parties, in mixed marriages in which the parties concerned stubbornly refuse to provide the required guarantees, shall henceforth have no place; but let the aforementioned provisions of the Holy See, and especially those of the Most Holy Pope Gregory XVI (Letter, dated April 30, 1841, to the Bishops of Hungary), remain in force concerning concessions and instructions: *facto verbo cum Ssmo*." And on the following Friday, the 23rd of the same month, the Most Holy Pope Pius X, having received, in the usual audience, the report from the Reverend Prelate, Assistant of this most holy Congregation of the Holy Office, deigned to benignly approve the resolution of the Most Reverend Fathers and to ratify it with his supreme authority in all things. Notwithstanding any contrary things, even those deserving of special and individual mention. Given at Rome, from the offices of the Holy Office, on June 21, 1912. L. & S. Aloysius Castellano, Notary of the Holy Roman Church and

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the United States.

[*Latin ed. p. 445*]

Sacred Congregation for the Propagation of the Faith – Index 445. SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH. APPOINTMENTS OF BISHOPS. By brief apostolic letters, the following were appointed: May 31, 1912. – The Bishop of Guadalupe, Reverend Father Peter Lewis Genoud, priest of the Congregation of the Holy Spirit. June 1. – The Archbishop of Tokyo, Reverend Doctor John Peter Rey, alumnus of the Parisian Seminary for missions to foreign lands. June 2. – The titular Bishop of Musti and Apostolic Vicar of the new Apostolic Vicariate of the southern Solomon Islands, Reverend Father John Ephrem Bertreux, of the Society of Mary. June 3. – The Bishop of Nagasaki, Reverend Doctor John Claudius Combaz, alumnus of the Parisian Seminary for missions to foreign lands. By decree of the Sacred Congregation of May 6th of the past year, the Most Reverend Monsignor de Cauzons commendably submitted himself. Rome, June 15, 1912. Thomas Esser O.P., Secretary. ACTA, Volume I, Part V, Number 12. – 1-74*12 33.

[*Latin ed. p. 446*]

Acts of the Apostolic See. - Official Commentary 446. S. CONGREGATION FOR RITES. I. DECREE PREFIXED TO VOLUME VI, OR APPENDIX I (FROM THE YEAR 1900, NUMBER 4052, TO THE YEAR 1911, NUMBER 4284, WITH ITS GENERAL INDEX) OF THE WORK "AUTHENTIC DECREES OF THE SACRED CONGREGATION FOR RITES, TAKEN FROM ITS ACTS AND PROMULGATED BY ITS AUTHORITY." FOR THE CITY AND THE WORLD. The decrees contained in this sixth volume (Appendix I) of the Collection of Decrees of the Sacred Congregation for Rites, as indicated in the same volume and explained in the Index, have been approved by the Most Holy Pope Pius X, with the reference of the undersigned Cardinal Prefect of the Sacred Congregation for Rites, and declared authentic, notwithstanding any contrary provisions, even those deserving of special mention. April 24, 1912. Fr. S. CARD. MARTINELLI, Prefect. L.&S. •f Petrus La Fontaine, Bishop of Charyste, Secretary. II. DECREE AND DECLARATIONS REGARDING NEW RUBRICS. To prevent doubts that may arise concerning the correct interpretation of titles X, numbers 2 and 5 of the following new rubrics, the Sacred Congregation for Rites, after hearing the opinion of the Liturgical Commission, has deemed it fitting to publish the following declarations, namely: I. Whenever the Mass of the day is celebrated on major feasts which have their own Mass, and on other days mentioned in the aforementioned title and number, provided that it is truly applied for the dead, the following prayer may be added:

[*Latin ed. p. 447*]

I. The Holy Congregation of Rites, paragraph 447, concerning the

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prayers for the dead for whose suffrage the Mass is celebrated, even if, in its celebration, mention is made of a feast day, whether minor or major. II. Such a prayer for the dead does not exclude, in this case, prayers of the time, unless a mention of a feast day occurs. III. When this prayer for the dead is added, the number of prayers, whether odd or even, is not to be considered. IV. This same prayer for the dead must always be recited in the penultimate place among the prayers prescribed or permitted on that day by the rubrics, not including the collections ordered by the Ordinary. V. The prayer for the dead for whose suffrage a Mass on a feria [weekday] is celebrated, may be added, even if on that day the rubrics prescribe the prayer "Omnipotens sempiterne Deus, pro vivis et defunctis," or "Fidelium, pro omnibus defunctis." VI. In order that the indulgence of the altar, which is privileged, may be rightly and lawfully applied for the dead, it is necessary that, on the days on which it is permitted by the new rubrics, the Mass on a feria be entirely celebrated, with the prayer for the dead added as mentioned above, for whom the very Mass is celebrated. VII. According to the new rubrics, title VIII, number 2, the obligation of reciting the Office of the Dead in the choir is lifted; nevertheless, the rubric of the missal, title V, numbers 1 and 2, concerning the celebration of a Mass for the dead, must still be observed, whether it is sung with the presence of a choir, if it is a conventual Mass, or recited outside the choir according to the new rubrics, title XII. June 1, 1912. Rev. Fr. S. Caed. Martini, Prefect. L. Rev. S. Petrus La Fontaine, Bishop of Charystien, Secretary. III. Seynen and others. DOUBTS. The following doubts were proposed to the Sacred Congregation of Rites for a suitable solution: I. When Sunday occurs from the 25th to the 28th of December, inclusive, the rubric prescribes the celebration of the Office of that Sunday on the free day of December 30th. Now, however, in many dioceses, December 30th is hindered by some feast of nine lessons. The question is: What is to be done in this case?

[*Latin ed. p. 448*]

448 Acta Apostolicae Sedis. - Official Commentary. II. According to the recent Constitution "Divino afflatu," title IV, paragraph 3, the feast of the most holy Name of Mary is perpetually assigned to the twelfth day of the month of September. The question arises: Must churches that have observed this feast as a titular feast until the present day continue to observe it on the Sunday within the octave of the Nativity of the Blessed Virgin Mary, under the double rite of the first class with the octave, in the future on the twelfth of September, together with the universal Church, while preserving the privileges that belong to titular feasts? III. In several places, the feast of the most holy Name of Mary is observed with the double rite of the first class with the octave. The question arises: In these places, does the octave of the Nativity of the Blessed Virgin Mary cease entirely with the arrival of the feast of the most holy Name; or rather, is it only suspended,

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so that on the fifteenth of September, the octave of her Nativity is observed, omitting the commemoration of the octave of the most holy Name? IV. Due to the new regulations, it often happens that feasts, whether of the greater or lesser double rite, must be simplified due to the occurrence of another feast that has been transferred to the double rite of the second class. The question arises: Must the *symbolum* be added to the Mass of this transferred feast, if it does not normally admit of the *symbolum*, if a commemoration of another feast occurring on the same day, of the greater or lesser double rite, has been made in it, which has the right to the *symbolum* in the Mass? V. The collects ordered by the Ordinary, according to the new rubrics, title XI, are to be omitted whenever more than three Orationes are said in the Mass than are prescribed by the rubrics for that day. The question arises: Are the collects to be omitted when, in private Masses, after three Orationes prescribed for that day have been said, an oration for the most holy Sacrament publicly exposed, or for the Pope or bishop on the anniversaries of their election, consecration, or coronation, has been added? VI. Since a typographical error has evidently occurred in the table of perpetual occurrences recently published by this Sacred Congregation, in the square where a simple feast occurs with another simple feast, where the number 7 is read, and not 8, a doubt arises as to whether another error exists in the squares where a greater and lesser double feast occur with the Vigil of Epiphany, where, instead of the number 3, the number 6 appears to be read, since the Office of the Vigil enjoys the privileges of a Sunday, and therefore should prevail, according to the new rubrics, over the lesser and greater double feast that is not a feast of the Lord. The question arises: Is it truly the case that the number 6 should be read in the aforementioned two squares, so that in that case, the Vigil of Epiphany should be observed, with the perpetual reposition of the occurring double feast?

[*Latin ed. p. 449*]

The Holy Congregation of Rites. 449 And the aforementioned Holy Congregation, having heard the opinion of the Liturgical Commission, as reported by the undersigned Secretary, and after careful deliberation, decided to write as follows: Regarding I. The Office of the Lord's Day, which is to be transferred to within the Octave of the Nativity, should be placed on that day which is less solemn, from December 29th to December 31st, and this should be carried out, respecting the rights of the Lord's Day when they coincide. However, if all the feasts occurring from December 29th to December 31st are of either the first or second class, then the commemoration of the Lord's Day should be celebrated on the less solemn feast, as mentioned above. In the case of equal solemnity, the Office or commemoration of the Lord's Day should be celebrated on the feast that occurs first. Regarding II. Affirmative. Regarding III. Negative for the first part; affirmative for the second part. Regarding IV and V. Affirmative. Regarding

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VI. The corrections are made in the Perpetual Calendar of Occurrences, so that in the squares where a Simple feast coincides with another Simple feast, the number 7 is placed, and in the squares where a Greater and Lesser Double feast coincide with the Vigil of the Epiphany, the number 6 is placed: and the Vigil of the Epiphany, enjoying the privileges of the Lord's Day, should always be preferred to even the Greater Double, both when coinciding and when occurring together. And thus it was written and ordered to be observed, on June 21, 1912. Rev. Fr. S. Cardinal Martinelli, Prefect. L. © Rev. Fr. Petrus La Fontaine, Bishop of Charyste, Secretary.

[*Latin ed. p. 450*]

450 Acta Apostolicae Sedis. - Official Commentary. THE SACRED ROMAN ROTA OF SEDUN. CONCERNING THE DIVISION OF A PARISH. During the blessed reign of Pope Pius X, in the ninth year of his pontificate, the Most Reverend Fathers, Anthony Perathoner, presiding, Joseph Alberti, and Peter Rossetti, Auditors from Tournon, in the case of "Sedun. Concerning the Division of a Parish," with certain inhabitants of Balen present, represented by their legitimate advocate, the priest N. Patrizi, against the Most Reverend Bishop Julius Mauritius Abbet, represented by his legitimate advocate, V. Sacconi, on April 2, 1912, rendered the following final judgment. In the Sedunensis diocese (Sion or Sitten) in Switzerland, there is a large and precipitous valley, called Saas, which comprises four communities or municipalities, namely, Saas-Grund, Saas-Fee, Saas-Almagell, and Saas-Balen. These four communities, until the year 1893, formed a single parish, which had its seat in the community of Saas-Grund. From this arose many inconveniences, especially because of the distance of many villages, scattered here and there, from the parish church. Therefore, the Bishop of Sedun, in order to promote the spiritual welfare of the faithful, in that very year, separated the communities of Fee and Almagell from the parish of Saas-Grund, and erected them into two independent parishes, so that from then on there would be three parishes in the Saas valley, the parish of Saas-Grund comprising the two communities, namely, the community of Grund and the community of Balen. That last community, therefore, was the only one in the Saas valley that lacked its own parish. The community of Balen is divided into two main parts, namely, the outer part, or Ausserbalen, and the inner part, or Innerbalen. Each part consists of various villages, called hamlets. The inhabitants of the outer part, in order to reach the parish church, had to travel a journey of one, or even two, hours, while the villages of the inner part, or Innerbalen, are located almost midway between the two churches existing in Grund and Balen. Therefore, many faithful from Ausserbalen, especially during the winter, were unable to fulfill ecclesiastical obligations due to the distance and the roughness of

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the roads.

[*Latin ed. p. 451*]

The Roman Rota. On April 26, 1907, 451 individuals presented a petition to the Bishop of Sedunensi, earnestly requesting that at least a priest be appointed to the small church they possessed in Balen, so that he might minister to the souls there. Simultaneously, they noted that the citizens of Balen were considering the profit "from" the utilization of the local hydraulic resources. The petitions were submitted to the chapter, which, on May 7, recognized the benefit of establishing a rectory in Balen, provided that adequate support for the rector could be ensured. However, the inhabitants of Innerbalen, who harbored an old animosity against the inhabitants of Ausserbalen, and some citizens of Ausserbalen themselves, vehemently opposed the establishment of the rectory in letters sent to the Bishop on June 23, 1907, and declared that they would never allow the proceeds from the hydraulic power, which belonged to the entire community, to be used for the establishment of the benefice. Therefore, on July 7, 1907, the inhabitants of Ausserbalen declared in writing to the Bishop of Sedunensi that they would provide the necessary funds for the benefice from their own resources: "We, the inhabitants of the 'outer part of Balen,' have subscribed from our private resources the sum of twenty thousand francs requested by Your Excellency for the foundation of the benefice, and this without resorting at all to the capital of the municipality or the proceeds from the hydraulic power. We declare furthermore that we do not request any contribution from the 'inner part of Balen,' and we leave them fully free to decide whether or not they wish to join us." At the same time, the inhabitants of Ausserbalen assigned a house, a garden, and the necessary wood to the rector. The construction of a new church was not necessary, since a church already existed in Ausserbalen, which was sufficient. At that time, serious consideration began to be given in the Sedunensi court to the founding of a benefice in Balen. However, it was deemed more appropriate to establish a parish rather than a rectory, and indeed for the entire Balen community, so that the civil boundaries of the community would also be the boundaries of the new parish. Therefore, the Bishop sought the opinion of the pastor of Grundensis, who, among other things, responded on June 2, 1907: "The parish of Grund, as a parish, will certainly not raise any objection, because in principle, perhaps, no one is opposed to the establishment of a benefice." The same pastor only found difficulty in the old discord between the inhabitants of Innerbalen and Ausserbalen, and finally demanded that, if the division were to occur, it should be done under the same conditions under which the division of the parishes of Allmagell and Fee had been carried out. Upon receiving these letters, the Bishop of Sedunensi sent the prefect of the city of Visp, Rev. Dom. Wirthner, to investigate the situation. Since he was the inspector of schools, he frequently visited Tallem Saas each year,

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and therefore knew the area well.

[*Latin ed. p. 452*]

452 Acta Apostolicae Sedis. - Official Commentary. The aforementioned Prefect Wirthner, following the mandate of the Bishop, duly invited to a meeting on August 27, 1907, at the location of Hutegge (situated outside the parish of Grund, and therefore neutral), both the parish priest of Grund and the municipal council of Balen. However, no one attended, except for two citizens from Ausserbalen. After investigating the matter, on September 2, 1907, Dean Wirthner sent a report to the Bishop, in which, after presenting various arguments, he stated that the good of souls required the establishment of a parish in Balen. Subsequently, the opinion of the cathedral chapter was sought, which, after mature deliberation on September 14, 1907, "decided that it was preferable to immediately establish a parish in place of the rectory, and that the boundaries of the new parish of Ausserbalen should be defined, and that the difficulties between the old parish and the new one to be established should be removed beforehand, namely, that the parish priest and the parish council of Saas-Grund should formulate their claims." The parish priest of Grund presented his demands on September 29, 1907 (the same as those presented on June 22), after which the Bishop of Sedunensis, by decree of September 27, 1907, established the parish of Balen, and also informed the parish priest of the mother church of this fact by a letter of the same date. On October 7, the new parish priest entered the parish of Balen. The Bishop had assigned the boundaries of the new parish according to the boundaries of the civil community, and indeed provisionally, as is evident from a letter of January 16, 1908, in which the same Bishop announced the establishment of the new parish to the civil authorities. In that letter, the Bishop stated the reason for the provisional delimitation of the boundaries, because he had heard that the civil government intended to make some changes to the civil boundaries of the community of Balen. This description of the boundaries was the origin of various disagreements. Inhabitants, especially from the inner part, opposed the division, even though they were more or less equally distant from the old and the new parish. Among those protesting, there were also several who did not even have a true residence in the community of Balen. In order to overcome this opposition, the Bishop modified the decree of September 27, 1907, in several respects, as we will see below. However, these changes did not bring about the desired peace. Indeed, the inhabitants of Innerbalen, incited by a certain anti-Catholic lawyer, went so far as to appeal to the civil authorities regarding the episcopal decrees, and requested that the establishment of the parish in Balen be declared null and void. However, this petition was rejected by the Federal Tribunal, as it was filed too late. Those who had appealed to the Federal Tribunal on September 12, 1910, approached His Grace, imploring absolution from

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the excommunication they had incurred, and also requesting that their complaint against the division of the parish be considered by the Holy See.

[*Latin ed. p. 453*]

Roman Code, Book IV, Title II, § 3. Wherefore, the controversy, demanded by the Most Holy Pope, is now proposed to be resolved under these agreed-upon doubts between the parties: I. Whether the foundation of a parish is permissible in this case. And, if affirmative; II. Whether and how the already established delimitation of the parish should be maintained, or rather, whether a new delimitation should be predetermined. And, if to I, negative; III. Whether and how there is a place for the dismemberment of the parish of Saas-Grund in this case. The following observations pertain to the rights of the Reverend Fathers: In the dismemberment of parishes, the Constitution of Alexander III, *Ad audientiam*, must be kept foremost in mind, which speaks precisely on this matter and has the following tenor: "It has come to our attention that the village called H. is so far from the parish church that, during the winter, when the rains come, the parishioners cannot reach it without great difficulty, and therefore cannot attend the ecclesiastical services at the proper time. Because the aforementioned church is said to be abundant in revenues, so that, besides the revenues of that village, the minister can properly have the means for its support, we command that, if this is the case, the church be built there, and that a priest be appointed in it, without any obstacle from the name, at the presentation of the rector of the larger church, with the consent of the canon founder, so that it may receive ecclesiastical revenues from that village for its support, taking care, however, that a suitable honor be preserved for the mother church according to the capacity of the place; and this seems to be possible, since the owner of that village is willing to offer twenty acres of fertile land for the use of the priest. If, however, the person in charge of the mother church should fail to present a suitable man, or should wish to obstruct this work, you must nevertheless see to it that the same work is brought to completion, and you must not fail to appoint a good man, the obstacle of the name being removed." The Council of Trent confirmed and clarified this constitution of Alexander III, stating: "In those places in which, because of the distance or difficulty, the parishioners cannot without great inconvenience access the sacraments and the divine services, new parishes may be established, even against the will of the rectors, according to the form of the constitution of Alexander III which begins *Ad audientiam* (i.e., by the bishops). And to those priests who will be appointed to the newly erected churches, a suitable portion shall be assigned at the discretion of the bishop from the fruits belonging to the

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mother church, and, if necessary, he may compel it."

[*Latin ed. p. 454*]

454 Acta Apostolicae Sedis. - Official Commentary. "To supply the people with what is sufficient to sustain the life of the aforementioned clergy." According to the chapter, excessive distance of the faithful from the parish church is a legitimate reason for this division; moreover, the Council of Trent adds another reason, namely, the difficulty of the journey. These two reasons, according to the common opinion of Doctors, are not required jointly, but it is sufficient that one or the other be present. "And whenever," says Fagnanus (in cap. Ad audientiam, par. 19), "there arises a great difficulty in receiving the sacraments, it is considered a just cause for erecting a new parish... Therefore, the Council of Trent, c. 4, sess. 21, speaks alternatively of "either the distance or the difficulty of the place," so that either one suffices." An absolute rule cannot be established as to what distance and difficulty of the journey should be; in this matter, one must rely on the prudent judgment of the bishop (Ferraris ad verbum dismembratio adds. 12, 13). Generally speaking, if only the distance is considered, the Holy See has granted permission for division based on a distance of two miles (as in Ariminen, June 18, 1879, and in Piacentina, May 18, 1791), while, on the contrary, it has denied permission for a distance of only one mile (as in Novarien, August 18 and November 18, 1847). Pignatelli, on the other more, very well defines the difficulty of the journey (vol. III, cons. 230, n. 9): "If it is established that the road is mountainous, rough, muddy, and so arduous that the parishioners, without great inconvenience, indeed even danger, cannot access the parish church to receive the sacraments and hear the divine services, especially in winter due to rain and snow, then the division or erection of a new parish is considered necessary." Besides the distance and the difficulty of the journey, other reasons may also be given for the division, such as, for example, antipathy between the inhabitants of two places (Cf. De Luca, in Adnot. ad Conc. Trid., discourse XVI, n. 8). Therefore, if a legitimate reason exists, the bishop can proceed with the division. It should also be noted that today, division is more readily admitted, and is no longer considered, as formerly, an extreme remedy to which one should not resort whenever the care of souls, for example, can be provided by a vicarious (see more in Bobien, March 4, 1911, before the Reverend Lega A. A. S., III, p. 202 sqq.). The reason for this more lenient practice is that today, depraved morals and the reckless youth, the Masonic sects which, like ravenous wolves, devour the flock of Christ, indicate, if not an absolute necessity, at least an evident benefit in multiplying pastors. Among the pastors of the people, true pastors, namely, parish priests, are to be preferred to vicars, a fact that no one denies (cfr. Acta S. Sedis, t. XII,

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p. 292).

[*Latin ed. p. 455*]

Rome, Rota. 455. Besides the legitimate cause for a division, certain formalities are also required, namely the following: First, the Bishop must, through a certain canonical process, conducted simply and not according to the intricacies of the law, inquire into the just and legitimate causes for the division. Furthermore, the consent of the chapter is required, as well as the citation and hearing of those whose interests are involved, such as the pastor of the parish to be divided, the parishioners, and the patrons. Finally, it must be established that the new parish has an endowment, which will provide for the support of the new pastor, and the boundaries of the new parish must be defined. Among these formalities, the consent of the chapter is certainly required for the validity of the division, or else it is void, unless, for example, in the division of parishes, even exempt ones, the Bishop proceeds as a delegate of the Apostolic See, or (as, for example, in Gallia) another procedure is customary (cf. Wernz, II, n. 267). The reason why the consent of the chapter is necessary is that the division of a parish necessarily involves the detachment of some of the revenues belonging to the old parochial church, and consequently, an alienation, which cannot be carried out without the consent of the chapter. Moreover, the consent of the chapter is required to unite one church with another; therefore, it is also required in dividing parishes, according to the principle: "Every thing, for whatever reason it arises, is dissolved by the same reasons" (cf. Reiftenstuel, l. III, t. 48, n. 19). However, the citation and hearing of those whose interests are involved are not required for the validity of the division. Much less can the dissent of these parties impede the division, as is evident from chapter Ad audientiam, and from the Council of Trent itself, according to which the Bishop can proceed with the division of a parish, if a truly canonical cause exists, even without inviting the pastors, that is, without inviting them legitimately, for the pastors of churches are legitimately invited, and therefore they must be heard, if a canonical cause for the division is lacking. In particular, there is no canonical text that prescribes that the consent of the people must be obtained in the division of parishes, and this is a good thing, for the canonical question, such as the division of parishes, is not to be determined by the consent or dissent of the people. Indeed, it is so far from being necessary that the consent of the people is required for the division, that the people, if there is a canonical cause for the division, can be compelled to provide sustenance to the new pastor (Conc. Trid., l. c.). Therefore, even according to more recent practice of the Sacred Congregation, the citation of those whose interests are involved, contrary to the ancient discipline and ancient authors, is not considered as a form whose neglect renders the division void, but only as a formality that contributes to the knowledge of the cause and to the avoidance of prejudice

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(cf. Acta S. Sedis,).

[*Latin ed. p. 456*]

456 Acta Apostolicae Sedis. - Official Commentary. Vol. III, p. 396, and Vol. X, p. 271, sq.; Ph. Hergenroether-Hollweck, Handbook of Canon Law, no. 521). Regarding these matters established by law, the Reverend Fathers, My Lords, considered it necessary, above all, to ascertain the legitimate and serious reason for the division in this case. Indeed, there was not only a distance between the places, but also the roughness of the roads, as is evident from the petition of the inhabitants of Balen of April 26, 1907, which, among other things, states: "From Balen to Grund, another parish church is needed, and it takes an hour by road in the plain. But only a few families live there throughout the year; all the others are divided among seven or eight locations, some of which are at such a height that they require a climb of 1 to 1.5 hours from the valley floor. These locations are inhabited for more than half the year, and given this distance, many do not attend Mass even on Sundays and holidays... Therefore, it is almost impossible for many to receive the sacraments during the stormy and freezing winter months, and even in other seasons, the difficulty remains considerable." To confirm these truths, the Bishop of Sion knew from his own experience, having visited the valley three times (on the occasion of a pastoral visit, later to administer the sacrament of Confirmation, and finally a third time "precisely during the winter to better understand the situation"), and also from two sworn testimonies of the parish priests Wirthner, the last of which was also signed by the parish priest of the dismembered parish, Anthony Ruppen, against whom there is certainly no suspicion of deceit or reticence, which state: "There are some villages in the municipality that must travel for 2 hours to reach the parish of Saas Grund. During the harsh and cold winters in our mountains, there may be times when the road is completely closed for several days, and the inhabitants are confined. Everyone can imagine how the regular instruction of religion for children, the care of the sick, etc., is neglected due to such a distance." Therefore, the aforementioned parish priest Wirthner concludes his report: "The benefit of such a foundation for the spiritual well-being and the salvation of the souls of the inhabitants of Ausserbalen cannot be denied by anyone who knows the conditions of those places, especially in winter." In truth, the necessity of establishing a parish in Balen is also evident from the spiritual benefits that have already resulted after the division. The parish priest Leo Summermatter, who has been in charge of the parish of Balen for four years, reports in a letter sent to the Bishop of Sion on March 1, 1912, that when he took office, he found the boys and girls to be so ignorant that, although they had already been...

[*Latin ed. p. 457*]

The Roman Rota. For four years, individuals were admitted to receive

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the sacraments, yet they did not even know the fundamental tenets of the Christian religion. The people, due to the great distance from the parish, especially during the winter, did not attend Mass, and for the same reasons, they did not frequently receive the sacraments. Now, the people attend Mass even on weekdays, and the frequency of receiving the sacraments has increased to such an extent that the number of Communions has almost doubled from the year 1908 to the year 1911. Therefore, there exists a canonical reason for the dismemberment of the parish, and this case cannot be called into question. Furthermore, it does not impede the matter that in the municipality of Balen, there are villages that are closer to the mother church than to the new parish. For those who are somewhat closer to the Grund parish are, above all, few in number, as declared by three pastors in the aforementioned report: "We say, and confirm rather little that too much, that at least two-thirds of the population of Saas-Balen is closer to the parish of Saas-Balen than to the parish of Saas-Grund." Moreover, the road that leads to the parish of Saas-Balen, even if it is somewhat longer, is, especially during the winter, safer and easier, as the same three pastors testify: "The road from Biedermatten to Saas-Grund is certainly a little shorter than the one to Saas-Balen. The chancellor of the bishop and I personally traveled this road, and found a difference of only five minutes at most. On the other hand, it can be confirmed, at least for the duration of winter, which lasts for a long time in Saas (up to 7 and sometimes 8 months), that the road to Saas-Balen is much more convenient, since it is protected by the forest, while the other road to Saas-Grund is very exposed to the wind and storms." The same is almost confirmed by the pastor of the parish of Saas-Almagell in his report on the state of affairs presented to the Bishop of Sion on November 7, 1911. As it has been determined that the cause for legitimate dismemberment must be established, so too must the observance of formalities. Indeed, the Bishop of Sion preceded the dismemberment with a summary process, in order to ascertain whether a canonical cause existed due to distance or the difficulty of the route. For the Bishop not only personally inspected the places, but also, as it appears from the records, expressly delegated the pastor Wirthner to explore the places. This pastor duly fulfilled the tasks assigned to him "after inviting to Hutegge, a neutral place, the pastor of Saas-Grund and the municipal council of Balen to discuss the matter of the benefice of Balen." Therefore, the existence of the cause is not only established by the assertion of the Bishop, but also rests on proof from the records, and this has satisfied the common teaching of the authorities, that one should not rely solely on the assertion of the Bishop, but that the cause must be proven in the records.

[*Latin ed. p. 458*]

458 Acta Apostolicae Sedis. - Official Commentary. it should be referred to, or whether there is some other reason (De Luca, disp. 45, n. 6; Pyrrhus

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Corradus, Prax. Benef., vol. III, chap. 2, n. 9). Furthermore, the pastor of Grunden, as he himself admits, was invited twice by the bishop to explain his requests; and he complied with this invitation on both occasions, namely on June 22nd and September 24th, 1907. There is also a legitimately constituted endowment. For the donors of twenty thousand booklets have pledged their assets as collateral to secure the endowment. Moreover, a house is available for the pastor; for the donors, having found that the original one was not sufficiently spacious and suitable, have already purchased another. The only difficulty seems to be regarding the consent of the chapter, which was indeed obtained on September 14th, 1907, but only for the establishment of a parish in the outer part, or in Ausserbalen. However, the bishop, by decree of September 27th, 1907, established a parish encompassing the entire town of Balen, that is, both the outer and inner parts, which, according to the dissenting party, was contrary to the chapter's intention and condition; therefore, there is no consent of the chapter to be considered. To this objection, the Lords Auditors observed that the consent of the chapter is indeed required substantially, or under penalty of nullity, for a dismemberment in general, but not in specie, regarding the manner and form in which the dismemberment is to be carried out. The manner and form depend on the bishop's prudent judgment. Therefore, decrees regarding the consent of the chapter for a dismemberment in general are made by the bishop, to define the endowment for the new parish, to delineate the territory, and to perform other similar acts, and indeed without a new consent or consultation of the chapter. In this case, the Bishop of Sion obtained the consent of the chapter for the establishment of a parish; he himself, however, in order to consult the good of the faithful, considered that this new parish should extend to the entire territory of the municipality of Bari, or even to Innerbalen. And this was done prudently. For this description of the boundaries caused no harm to anyone, since the inhabitants of Innerbalen are located at almost the same distance from the old and the new parish; indeed, for some, as mentioned above, the way to the new parish is safer and more convenient. The other conditions imposed by the chapter were strictly observed. Having considered all these matters, the Most Reverend Lords judged that the dismemberment by the Bishop of Sion was legitimately and duly carried out, and therefore it should be upheld; especially since nothing should be taken away from the endowment of the mother church for the establishment of the endowment of the new parish. For when an endowment sufficient to support the new pastor is readily available, the dismemberment is more easily granted, as it is written in the aforementioned document, Monitor Ecclesiastico, vol. XV, p. 341: "In the dismemberment, one should proceed with rigor when it is necessary to touch the endowment of the principal pastor, since in such a case, the

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dismemberment is a hateful thing; but when..."

[*Latin ed. p. 459*]

The Roman Rota. 459 "If the boundaries of the new parish are established differently, then the 'division' is no longer objectionable and is readily permitted. This is also the current practice of the Holy Congregation of the Council." And this, concerning the first question, is doubtful. Regarding the second question, the following was observed: In law, it is prescribed that the bishop must assign a well-defined territory to the parish that is being divided, and that this territory must be distinct from all other parishes (Council of Trent, Session 24, Canon 13, cited; cf. also Wernz, II, n. 266). The Bishop of Sedunensis fully satisfied this precept in the erection of the parish of Balensis. And indeed, although there is no solemn and formal decree on this matter, which is not required for the validity of the act but only serves to prove the division that was made, there are equivalent documents from which the boundaries of the new parish are clearly evident. For, in a letter given to the pastor of Saas-Grund on September 17, 1907, the bishop stated that the newly established parish was defined by the boundaries of the municipality of Balensis: "With the present letter, I merely wish to inform you that in the community of Baien, I have founded a parish and declared its separation from the mother church of Saas-Grund." Therefore, the boundaries of the new parish were established according to the civil boundaries. This is expressly stated in a letter to the pastors and faithful of Grund and Balen dated April 7, 1908, where the following is read: "The civil boundaries of the municipality of Balen also form the boundaries of the new parish." However, as mentioned above, this description of the boundaries was the origin of various disagreements. Therefore, the bishop, with the best of intentions, changed the decree of September 27, 1907, in several respects. Already on November 22, 1907, it was declared who should be considered subject to the newly established parish by reason of their domicile: "The parish of Balen belongs to all those who have their principal habitual residence in the municipality of Balen, that is, all those who live there for more than one semester." This arrangement was made in order to remove the opposition of those who, although residing in the municipality of Balen, did not have a canonical domicile there, since they lived in Saas-Grund for a greater part of the year. This arrangement was repeated on April 7, 1908, and, for the benefit of the faithful of the three villages, the following decree was issued: "The civil boundaries of the municipality of Balen also form the boundaries of the new parish. We allow an exception to this arrangement for reasons of location only: 1) to the three houses of Tamatten, which are nevertheless in the territory of Balen; 2) to the two hamlets of Fluh and Imsegg: these three hamlets should belong to the old

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parish as before."

[*Latin ed. p. 460*]

460 Acta Apostolicae Sedis. - Official Commentary. Finally, on March 18, 1909, the inhabitants of the district of Biedermatten, who were the principal instigators of the discord, were granted the option of choosing either of the two pastors for their parochial ministrations, or both pastors were granted the same jurisdiction regarding said district: "NelFinte" concerning peace and religion, the Reverend Bishop, introduced "the following changes in the institution of the parish of Balen. The Reverend pastors of Balen and Grund have the same jurisdiction in Biedermatten. The inhabitants of this district can therefore, "at their pleasure, turn to one or the other of these two Reverend pastors." The Fathers of the Congregation considered that these changes, although not invalidating a division once made, were not to be approved. For the boundaries of parishes must be certain, determined, and perpetual; so that they cannot be changed by private citizens, or by civil authority, indeed not even by the bishop, except in cases permitted by law (Bouix, de Paroc., p. 2, c. 4, prop. 1). Therefore, it is not permissible for a bishop, having established a parish for a legitimate reason and having already determined its boundaries, to introduce changes except in accordance with the law; and it is not certain that the Bishop of Sedun has observed this. Consequently, the exception made on April 7, 1908, regarding the villages of Tamatten, Fluh, and Imsegg, cannot be upheld. A similar situation applies to the episcopal decree according to which only those who reside there for more than six months should belong to the new parish, provided that in practice it will be very difficult to determine who has resided in the territory of Balen for more than or less than this period; and thus great confusion would arise in the exercise of parochial jurisdiction, and disputes and questions between the pastors would scarcely be avoided, especially in the celebration of marriages, funerals, etc. Furthermore, the records show that the citizens who, for work reasons, reside for a longer period, and perhaps for more than six months, in the community of Balen, do not reside there continuously but at different times of the year, while their actual domicile is in the parish of Saas-Grund. In this situation, even greater confusion would arise in the exercise of parochial jurisdiction if the aforementioned episcopal decree were upheld. Finally, with regard to the decree of March 18, 1909, concerning the citizens of the district of Biedermatten, the Auditors of the Congregation considered that it was contrary to the Council of Trent, which, in session 24, chapter 13, concerning reforms, "commands bishops, for the safer salvation of those souls entrusted to them, to assign to each a perpetual and particular parish, which he may know, and from which alone he may lawfully receive the sacraments." Therefore, the jurisdiction of two pastors in the same territory

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is prohibited. For, as the boundaries of parishes are certain...

[*Latin ed. p. 461*]

The Roman Rota. It must be determined, and it is necessary that the parochial jurisdiction also be certain and defined (cf. Scherer, Handbook of Canon Law, p. 637). Such a jurisdiction would not exist in the parish of Balen, if the aforementioned decree were to be considered valid. Therefore, the inhabitants of the village of Biedermatten must remain subject to the parish of Balen, as was established by the delimitation made on September 27, 1907. Having considered and diligently pondered these matters of law and fact, we, the undersigned Auditors of Tournon, invoking the Name of Christ, sitting for the Tribunal and having only God before our eyes, will respond to the questions proposed as follows: to 1) affirmatively, that is, the foundation of the parish is maintained in this case; to 2) affirmatively regarding the first part, that is, the delimitation made on September 27, 1907, is maintained, excluding any subsequent modifications; to 3) as provided in the first [response]. We decree and order that the judicial expenses be borne equally by the parties; and that the costs of sending the sentence be paid by each party in equal measure. Thus we pronounce, declare, and sentence, ordering that those to whom it pertains should enforce this our sentence, and against those who resist, they should proceed according to the sacred Canons, and especially Chapter 3, Session 25 of the Council of Trent, using the executive and coercive means that are most effective and appropriate for the circumstances. In Rome, at the seat of the Tribunal of the Holy Roman Rota, on April 2, 1912. Antonius Perathoner, Presiding. Iosephus Alberti. Petrus Rossetti. Sac. Tancredes Tani, Notary. ACTA, vol. IV, n. 11. - 1-7-912. 34

[*Latin ed. p. 462*]

Acta Apostolicae Sedis. - Commentarium Officiale. SECRETARIA STATUS EPISTOLA.

AD PRAECLARAM DOMINAM BARONISSAM DE MONTENACH, PRAESIDEM QUIBUS VICES GERIT SOCIETATIS CATHOLICAE OPERUM DE PROTEGENDIS IUVENIS, OCCASIONE SEXTI CONGRESSUS EIUSDEM SOCIETATIS, AUGUSTAE TAURINORUM HABITO.

Illustrissima Signora Baronessa,

Mi place ad vos communicare quod Sanctissimus Pater Pius X, cum gaudio accipivit notitiam quod Societas Catholica Internationalis Operum de Protectione Iuvenum mox in Torino habebit VI Congresseum Internationalem, et ab hoc momento, ipse invocat super omnes qui ibi participabuntur auxilium divinae gratiae, ut fructus eorum zelum sint conformes expectationibus.

Et vere est causa exspectandi fructus copiosi ex tam ampla cooperatione virium, et ex operositate probata praesidorum et sociorum, quorum cor

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tam sancte se expandit extra domestica claustra, ut in iunioribus operariis nova familia adoptiva formetur, cui, simul cum labore quotidiano, hereditas pretiosissima, scilicet fides et bona mores, sit promissa.

In Instructio recens ad Sanctissimum Patrem missa, ipsa opportune insisteret in characteribus apertae confessionis quae ab initio Societatis voluerunt dari et zelissime conservari; et Sanctitas Eius delectata est hac sancta ostentatione, cui degna corona sunt sentimenta devoti affectus ad Sanctam Sedem et submissio incondita directionibus pontificalibus, expressa in dicta Instructio.

Hae optimae dispositiones sunt Societati certum praesidium auxiliorum caelestium, et Congressui optatum bonum eventum.

Pontifex Maximus libenter adiungit apostolicam benedictionem suam, et cum ea invocat super Vos, Signora Baronessa, super ipsum Congresseum, et super initiias quae felicem eventum eius consecrabunt, super Commitatum Internationale, super decem ramos nationales, super praesides et socias respectivas, benedictionibus amplissimis Dei, quae sint omnibus adhortationem ad perseverandum cum alacritate in hoc sancto apostolatu, certi quod, protegendo iuniores operarias, ad formandum matronas probas, familias Christianas excellentes, quae multum sperare possunt Ecclesia et societas civilis.

Cum sentibus distincta stima, libenter confirmo salutem meam,

Illustrissima Signora Baronessa,

Roma, 20 Maii 1912.

Dev. R. CARD. MERRY DEL VAL.

[*Latin ed. p. 463*]

Pontifical Commission for Biblical Matters. 463 PONTIFICAL COMMISSION FOR BIBLICAL MATTERS

I. CONCERNING THE AUTHOR, THE TIME OF COMPOSITION, AND THE HISTORICAL TRUTH OF THE GOSPELS ACCORDING TO MARK AND ACCORDING TO LUKE. In response to the following questions proposed, the Pontifical Commission "for Biblical Matters" has decided as follows:

I. Whether the clear testimony of Tradition, wonderfully consistent from the very beginnings of the Church and confirmed by manifold arguments, namely, by the explicit testimonies, citations, and allusions found in the writings of the holy Fathers and ecclesiastical writers, by the usage of the ancient heretics, by the versions of the books of the New Testament, by the oldest manuscripts, and almost all of them, and also by internal reasons derived from the very text of the sacred books, certainly compel us to affirm that Mark, the disciple and interpreter of Peter, and Luke, the physician,

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the helper and companion of Paul, are truly the authors of the Gospels attributed to them respectively?

Answer: Affirmative.

II. Whether the arguments, by which some critics endeavor to demonstrate that the last twelve verses of the Gospel of Mark (Mark XVI, 9-20) were not written by Mark himself, but were added by another hand, are such that they justify affirming that these verses are not to be considered inspired and canonical; or at least, do they demonstrate that Mark is not the author of those verses?

Answer: Negative in both cases.

III. Whether it is permissible to doubt the inspiration and canonicity of Luke's narratives concerning the infancy of Christ (Luke I-II), or of the appearance of the Angel comforting Jesus, and of the bloody sweat (Luke XXII, 43-44); or whether solid reasons can be shown – which have pleased ancient heretics and some even more recent critics – that these narratives do not belong to the genuine Gospel of Luke?

Answer: Negative in both cases.

IV. Whether those very rare and entirely unique documents in which the *Magnificat* is attributed not to the Blessed Virgin Mary, but to Elizabeth, can in any way prevail and should prevail against the concurring testimony…

[*Latin ed. p. 464*]

464 Acta Apostolicae Sedis. - Official Commentary. Regarding all the codices, whether the original Greek text or the versions, is it permissible to deviate from the interpretation which is clearly demanded not only by the context but also by the mind of the Virgin and the constant tradition of the Church? R. No. V. Regarding the chronological order of the Gospels, is it permissible to deviate from the opinion, which is supported by the most ancient and constant testimony of tradition, that after Matthew, who wrote his Gospel first in his native language, Mark wrote second, and Luke third; or should the opinion be considered erroneous which asserts that the second and third Gospels were composed before the Greek version of the first Gospel? R. No, to either side. VI. Is it permissible to postpone the time of composition of the Gospels of Mark and Luke until after the city of Jerusalem was destroyed; or, since the prophecy of the Lord concerning the destruction of this city appears to be more definite in Luke, can it be maintained that at least his Gospel was written during the siege that had already begun? R. No, to either side. VII. Should it be affirmed that the Gospel of Luke preceded the book of the Acts of the Apostles (Acts, I, 1-2); and since this book, written by the same Luke, was completed at the end of the Roman captivity of the Apostle (Acts, XXVIII, 30-31), can it be maintained that the same Gospel was not composed after this time?

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R. Affirmative. VIII. Considering both the testimonies of tradition and the internal arguments, regarding the sources which each Evangelist used in writing his Gospel, can the opinion which holds that Mark wrote according to the preaching of Peter, and Luke according to the preaching of Paul, be reasonably questioned; and that the same Evangelists had available to them other trustworthy sources, whether oral or already recorded in writing? R. No. IX. Do the words and deeds, which are accurately and almost graphically recounted by Mark according to the preaching of Peter, and by Luke, who, having diligently investigated all things from the beginning through trustworthy witnesses, who themselves were eyewitnesses and ministers of the word (Luke, I, 2-3), most sincerely expound them, rightfully claim that full historical credibility which the Church has always granted to them; or, on the contrary, should these same facts and deeds be considered lacking in historical truth, either because the authors were not eyewitnesses, or because in both Evangelists there are frequently defects in order and discrepancies in the sequence of events?

[*Latin ed. p. 465*]

The Pontifical Commission on Biblical Matters. Are these things to be found [in the texts], or is it that, having arrived later and written later, they necessarily present conceptions of the mind of Christ and the Apostles that are foreign, or actions that are more or less already tainted by the imagination of the people, or finally, that they have conceded to preconceived dogmatic ideas, each according to his own purpose? Answer: Affirmative to the first part, negative to the other.

ON THE SYNOPTIC QUESTION, OR ON THE MUTUAL RELATIONS BETWEEN THE THREE EARLIEST GOSPELS. The Pontifical Commission "On Biblical Matters" has decided that the following doubts should be answered as follows:

I. Whether, provided that those things which must be observed according to the aforementioned regulations are observed, especially concerning the authenticity and integrity of the three Gospels of Matthew, Mark, and Luke, concerning the substantial identity of the Greek Gospel of Matthew with its original primitive form, and concerning the order of time in which they were written, it is permissible for exegetes freely to discuss and to appeal to hypotheses, whether written or oral, or even to the dependence of one upon a preceding one or upon preceding ones, in order to explain their similarities or differences? Answer: Affirmative.

II. Whether those who, without any support from the testimony of tradition or historical argument, readily embrace the so-called two-source hypothesis, which claims to explain the composition of the Greek Gospel of Matthew and the Gospel of Luke primarily through their dependence on the Gospel of Mark and on the so-called collection of sayings of the Lord, should be considered to be observing those things which have been stated

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above, and whether they are free to advocate it? Answer: Negative to both parts.

On June 26, 1912, in an audience graciously granted to both Consultors by the Most Reverend Prefect of the Acts, Our Holy Father Pope Pius X ratified the aforementioned answers and ordered them to be made public.

Rome, June 26, 1912.

FULCRANUS VIGOUROUX, Gr. S. L.

© S. LAURENTIUS JANSSENS, O. S. B.

Consultors from the Acts.

Sulp.

[*Latin ed. p. 466*]

466 Acta Apostolicae Sedis. - Official Commentary. DIARY OF THE ROMAN CURIA, SAGRA CONGREGATION OF RITES. ORDINARY PARTICULAR CONGREGATION. On the 4th of June, 1912, in the Apostolic Palace at the Vatican, the Ordinary Particular Congregation of the Sacred Rites was held, in which the following causes were presented for the judgment of the Most Eminent and Reverend Lords Cardinals who comprise the same:

1. Concerning the validity of the Apostolic Process instituted in the curia of Montréal, regarding an alleged miracle of the Venerable Servant of God, Margaret Bourgeoys, foundress of the Congregation of the Sisters of Our Lady in Montréal.

2. Concerning the validity and significance of the Apostolic Process instituted in the curia of Coriza, regarding the general reputation for sanctity of the Venerable Servant of God, Domenico Blasucci, cleric of the Congregation of the Most Holy Redeemer.

3. Concerning the validity of the Apostolic and Ordinary Processes instituted in the curia of Naples, for the cause of beatification and canonization of the Venerable Servant of God, Giovanna Antida Thouret, foundress of the Sisters of Charity.

4. Finally, concerning the cult, in obedience to the Decrees of Urban VII, never previously rendered to the Venerable Servant of God, Adelaide Cini, foundress of the Hospice of the Sacred Heart of Jesus in Malta.

SECRETARY OF STATE. APPOINTMENT. To accompany the Most Eminent Cardinal Guglielmo van Rossum, Papal Legate to the Eucharistic Congress which will take place in Vienna next September, the Holy Father has deigned to appoint:

1. Monsignor Giacomo Sinibaldi, Apostolic Protonotary, Canon of the

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Vatican, Rector of the Portuguese College in Rome.

2. The Lord Baron Ernesto Schönberg-Roth-Schönberg, Secret Chamberlain of the Sword and Mantle of the first order of His Holiness.

3. Reverend Father Luigi of the Princes Lancellotti, Secret Chamberlain of the Sword and Mantle of the second order of His Holiness.

4. Monsignor Giovanni Borkovic, Honorary Chamberlain in purple of His Holiness, Rector of the Church of Saint Jerome of the Slavs in Rome.

[*Latin ed. p. 467*]

Diarium Romanae Curiae. 467 By means of letters from the Secretariat of State, the Holy Father deigned to appoint: 15 June 1912. — The Most Reverend Cardinal Sebastian Martinelli, Protector of the Dominican Tertiary Sisters with their Motherhouse at Sisinawa, Wisconsin, United States of America. 20 June. — Monsignor Eugenio Pacelli, Pro-Secretary of the Sacred Congregation for Extraordinary Ecclesiastical Affairs. — Monsignor Sante Tampieri, Under-Secretary of the same Sacred Congregation. 30 June. — The Most Reverend Cardinal Guglielmo van Rossum, Protector of the Belgian Congregation of the Missionary Sisters of St. Augustine. By means of letters and briefs from the Secretariat of State, the Holy Father deigned to appoint: Assistants to the Papal Throne: 11 June 1912. — Monsignor Pietro Maria Gendreau, Titular Bishop of Chrysolpis and Apostolic Vicar of Western Tonkin. 19 June. — Monsignor Silverio Gomes Pimenta, Archbishop of Marianna. — Monsignor Carlo Lavigne, Bishop of Trincomalie. — Monsignor Adolfo Medlycott, Titular Bishop of Tricornia. Apostolic Protonotaries, as if participating: 6 June 1912. — The Reverend Canon Tommaso Pfauser, Custodian of the cathedral church of Budweis. 14 June. — Monsignor Francesco Bickerstaffe-Drew, Domestic Prelate of His Holiness. 20 June. — Monsignor Cesare Chichizola, Prior Provost of St. James in Carignano, Genoa. Domestic Prelates of His Holiness: 11 June 1912. — The Reverend Angelo Vinci, Canon of the cathedral of Città di Castello. — The Reverend Luigi Pirhofer, Dean Parish Priest of Merano, in the diocese of Trento, in Naila. 18 June. — The Reverend Monsignor Nicolò d'Amico, Canon of the Lateran Basilica. 22 June. — The Reverend Giuseppe Gabriele Pinten, General Vicar of the diocese of Sault Ste-Marie and Marquette. By means of letters from the Secretariat of State, the Holy Father deigned to appoint: Extraordinary Secret Chamberlains of His Holiness: 24 May 1912. — Monsignor Ignazio Wegrzynowski, of the diocese of Premislia. 11 June. — Monsignor Michele Léon Prado, of the archdiocese of Santiago (Chile). 21 June. — Monsignor Luigi Centoz, Minute-taker of the Secretariat of State. 24 June. — Monsignor Ugo Geyer, of the archdiocese of Prague.

[*Latin ed. p. 468*]

468 Acta Apostolicae Sedis. - Official Commentary. Honorary Chamberlains of His Holiness, wearing the peacock blue cassock: June 10, 1912. —

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Monsignor Giuseppe Leone Gallardo, of the Archdiocese of Buenos Aires. June 24. — Monsignor Felice Fortina, of the diocese of Novara. — Monsignor Leone Schmidt, of the diocese of Neutra. — Monsignor Edoardo Mihalovics, of the same diocese. — Monsignor Stefano Német, of the same diocese. — Monsignor Carlo Baumgärtl, of the Archdiocese of Prague. Honorary Supernumerary Secret Chamberlains of His Holiness, with sword and mantle: May 31, 1912. — Mr. Guglielmo Dooley, of the Archdiocese of Boston. June 25. — Reverend Father Luigi, of the Princely family Lancellotti of Rome. HONORS. With letters and briefs from the Secretariat of State, the Holy Father deigned to bestow the following honors: The Order of Saint Gregory the Great, civil class, Commander: June 3, 1912. — To Mr. Architect Luciano Magne, General Inspector of historical monuments in Paris. The Order of Saint Gregory the Great, civil class, Knight: June 3, 1912. — To Mr. Architect Pietro Guilbert, of Paris. — To Mr. Giustino Goichot, of the same city. June 10. — To Mr. Giovanni Francesco di Sales Carrara, Consul of the Republic of Colombia in Gibraltar. June 18. — To Mr. Alessio Moreto Plantyn, residing at the Castello di Eeckeren. — To Mr. Adolfo Hardy, of the Archdiocese of Malines. June 22. — To Mr. Federico Tarnaud, of Limoges. The Order of Saint Sylvester, Knight: June 18, 1912. — To Mr. Agostino Stalins, of Antwerp. NECROLOGY. June 20, 1912. — Monsignor Giuseppe Ort 'z, Archbishop of Guadalajara. — Monsignor Mariano Markovic, of the Minor Orders, titular Bishop of Dañaba, Apostolic Administrator of Banjaluca. June 26. — Monsignor Giuseppe Altenweisel, Prince-Bishop of Bres sanone.

[*Latin ed. p. 469*]

Year IV. - Volume IV. July 15, 1912. No. 13. OFFICIAL COMMENTARY OF THE ACTS OF THE APOSTOLIC SEE. ACTS OF POPE PIUS X. APOSTOLIC LETTER ADDRESSED TO THE COLLEGE OF CARDINALS. CONCERNING THE ASSIGNMENT OF THE DEACONRY OF SAINT CAESAREUS IN THE PALACE. THE POPE, SERVANT OF THE SERVANTS OF GOD, TO HIS BELOVED SON, WILLIAM, Cardinal Deacon of Saint Caesareus in the Palace, of the Sacred Roman Church, residing in Rochester, greetings and apostolic blessing.

Since We, with the counsel of Our Venerable Brothers, the Cardinals of the Sacred Roman Church, and with the fullness of Our apostolic power, have raised you to the dignity of Cardinal Deacon, it is entirely fitting that We confer upon you a certain designation from among the proper designations of Cardinal Deacons; and since the church of Saint Caesareus in the Palace, which belongs to that number, and to which Our beloved son, Joseph, Cardinal of the Sacred Roman Church, formerly known as Priscus, last presided, is presently vacant, having passed from the order of Cardinal Deacons to the order of Cardinal Priests through his resignation, We have decided to assign you to that church, and to establish that you shall bear

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and be called by that designation.

Indeed, the authority and jurisdiction of the Cardinals who were to be designated by the church of Saint Caesareus in the Palace, were, for certain reasons, and with the consent of the Cardinal then presiding over that church, limited by Our predecessor, the blessed Pope Clement VIII, so that the church and its goods and revenues might be used and enjoyed for the pious institution, or college, which Clement VIII himself founded.

[*Latin ed. p. 470*]

470 Acta Apostolicae Sedis. - Official Commentary. He also had a most esteemed [individual], and at the same time, a Prefect of the Clergy for that College, and one who would fulfill the office of Cardinal Protector. However, since the reasons for these [appointments] are now clearly not valid, and we consider them to have no force, we decree that the benefit, granted by our blessed and revered predecessor, Pope Clement VIII, to the aforementioned Institute, or College, and its Presidents, and to the Cardinal Protector, is revoked, and shall henceforth be considered as if it had never been granted; and therefore, for all that is necessary, we declare that said benefit is null and void by apostolic authority. We, therefore, with the advice of our venerable Brothers, the Cardinals of the Holy Roman Church, and with the fullness of the same apostolic authority, grant and assign to you, our beloved Son, for the sake of your Cardinalate, the church of St. Caesarius in the Palace, together with all and each of its buildings, chapels, houses, dwellings, properties, possessions, members, appurtenances, fruits, revenues, rights, jurisdictions, goods, which cannot in any way be alienated from said Diaconate, and we appoint you, yourself, as Cardinal Deacon of the church of St. Caesarius in the Palace, fully entrusting to you the care, governance, and administration of said Diaconate, both in spiritual and temporal matters, so that it may be permissible for you, or for another or others in your name, by your own authority, freely to take possession of, or to hold quasi-possession of, the governance and administration of said church of St. Caesarius in the Palace, and of its rights, jurisdictions, and appurtenances, and to govern and fully administer said church of St. Caesarius in the Palace, both in spiritual and temporal matters. Therefore, our beloved Son, it will be your duty to strive to ensure that the splendor of the divine worship shines anew in the ancient Diaconate, for the greater glory of Almighty God and for the salvation of souls. Therefore, you will diligently, faithfully, and prudently exercise the care and administration that we entrust to you through these apostolic writings, so that the church of St. Caesarius in the Palace may enjoy a provident and vigilant administrator; and so that you may deserve to receive more abundantly the reward of eternal recompense, our blessing, and the grace of the apostolic See. Furthermore, by these presents, we command all persons subject to you by reason of the church of St. Caesarius in the Palace, to obey you;

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otherwise, the penalties which you shall establish against those who rebel will be considered valid, and will be observed inviolably, by the authority of the Lord. And moreover, so that you may better promote the dignity and splendor of your Cardinalate, by our own initiative and out of our mere liberality, and by the fullness of apostolic power, we grant to you, even after you have peacefully taken possession,

[*Latin ed. p. 471*]

The Acts of Pope Pius X, page 471, or, as if you have obtained possession of the governance and administration of the aforementioned Church of Saint Caesarius in the Palace, and of its goods, if any there be, we grant you, together with that, when you preside over it, all and each other offices and benefits, which you may obtain through any concessions and dispensations from the Apostolic See, whether in title, commendation, administration, or in any other way, or in which, or to which, any right whatsoever pertains to you, to freely and lawfully retain, as long as you live, and to exercise the right pertaining to you in those things, or to those matters, notwithstanding any and all Apostolic constitutions and ordinances, and other contrary things whatsoever. Given in Rome, at Saint Peter's, in the year of Our Lord nineteen hundred and eleven, on the thirtieth day of the month of November, in the ninth year of Our Pontificate. A. CARD. AGLIARDI, S. R. E., Chancellor. VISITED, in the office of the Secretary of Plumb. M. RIGGI C. A., Royal Notary in the Apostolic Chamber, No. 98. LETTER. TO REVEREND FATHER LEOPOLD FONCK, S. J., FORMULA OF THE PAPAL INSTITUTE FOR DIPLOMAS, TO BE AWARDED BY THE PRESIDENT TO STUDENTS OF OUTSTANDING BIBLICAL MERIT, BY THE SAME INSTITUTE, WITH APOSTOLIC AUTHORITY. Beloved son, greetings and the Apostolic blessing. — We turn our thoughts and concerns again to the Pontifical Biblical Institute, an undertaking which is making considerable progress. Since it is now the end of the first three years in which the curriculum of studies is completed there, and since there are those who, having diligently prepared themselves in doctrine in previous years, feel ready to undertake the final and greatest examination, the time has now come to establish a diploma, for the granting of which we have granted the Institute the faculty through letters of the happy day of March 20, 1911, and we decree the following formula: "Since the Reverend Father has satisfied all the conditions required by the laws of the Pontifical Biblical Institute, and has been approved by the legitimate votes of the Doctors in a threefold examination of doctrine, by the power of the faculties granted to us by the Apostolic See, we declare him a Reader..."

[*Latin ed. p. 472*]

Acts of the Apostolic See. - Official Commentary. "We declare and pronounce [him] a professor of Holy Scripture, and we grant to him an au-

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thentic document, fortified with these testimonies, the seal of the Institute, and the signature of the President." Indeed, this formula is in accordance with the purpose of the Academy and reconciles the opinion of those who, by their actions, have presented their credentials; for it commends not only doctrine, but also grants them the right, with the consent of the Ordinaries, to exercise the magisterium of biblical matters. Furthermore, it follows that those who have been elevated by this diploma will pave the way for themselves through teaching and writing to attain academic degrees, which the power and authority to confer are reserved to a single Pontifical Biblical Commission. May the blessing of divine gifts and the witness of our apostolic benevolence be upon you, beloved son, and upon the other doctors of the Institute, which we impart to you earnestly in the Lord. Given in Rome, at St. Peter's, on this 11th day of June, in the ninth year of Our Pontificate. PIUS PP. X.

SACRED CONGREGATION CONSISTORIAL PROVISION FOR CHURCHES. By successive decrees of the Sacred Consistorial Congregation, Our Holy Father Pius PP. X has provided for the following churches with their proper pastors, namely:

May 6, 1912. – To the titular episcopal church of Clazomen, he appointed the Reverend Father Patrick T. Ryan, of the diocese of Pembrokeshire, and there appointed him as the general vicariate and parish priest of the place commonly called Renfrew.

June 11. – To the titular archiepiscopal church of Cherson, he appointed the priest Donald Aloysius Mackintosh, of the archdiocese of Glasgow, and there appointed him as the general vicariate and prelate of the metropolitan chapter.

June 18. – To the metropolitan church of Bamberg, he appointed the Reverend Father John Jacob Hauck, of the same diocese, and there appointed him as the parish priest of the church of St. Elizabeth in the city of Nuremberg.

[*Latin ed. p. 473*]

The Holy Congregation of the Propagation of the Faith. 473, June 24th. – To the titular bishopric of Lamea, the Reverend John Me Intyre, a theological canon of the metropolitan church of Birmingham, appointed as an Auxiliary to the Most Reverend Edward Ilsley, Archbishop of Birmingham. June 28th. – To the titular bishopric of Azotus, the Reverend John Joseph McCort, of the archdiocese of Philadelphia, there a vicargeneral, appointed as an Auxiliary to the Most Reverend Edmund Prendergast, Archbishop of Philadelphia. – To the titular bishopric of Philippopolis, the Reverend George Gauthier, a canon and parish priest of the metropolitan church of Marianopolis, appointed as an Auxiliary to the Most Reverend Paul Bruchèsi, Archbishop of Marianopolis.

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I. DECREE. THE EASTERN BOUNDARIES OF THE APOSTOLIC PREFECTURE OF ZAMBESE ARE ESTABLISHED.

That the eastern boundaries of the Apostolic Prefecture of Zambese might be more clearly defined, and that the territory contiguous to the Vicariate of Nyassa might be more suitably determined, the Most Reverend Fathers of the Holy Council, in plenary sessions held on the 24th day of the current month, judged that the aforementioned boundaries of the Prefecture should be revised and established, setting forth the following eastern boundaries: the territory of Mozambique up to the 15th degree of south latitude, then the rivers Luangwa, Lukasashi, and Mlembo, up to the southeastern corner of the Belgian Congo.

This opinion, reported by the undersigned, the Most Reverend Secretary of this Congregation, His Eminence, the Most Reverend Father Pius, of the Divine Providence, Prefect, in the aforementioned audience, has been approved and ratified in all respects by His Holiness, who has ordered the drafting of the present Decree concerning this matter.

Given at Rome, from the offices of the Holy Congregation of the Propagation of the Faith, on the 28th day of June in the year 1912.

Fr. H. M. CARD. GOTTI, Prefect.

C. Laurenti, Secretary.

[*Latin ed. p. 474*]

474 Acta Apostolicae Sedis. - Official Commentary. THE NOMINATION OF THE BISHOP. He was nominated by a brief Apostolic document: June 27, 1912. — The titular Bishop of Tiposa and Auxiliary Bishop, with the right of future succession to the Apostolic Vicar of Unianbensis in central Africa, Reverend Father Henry Leonard, of the Society of African Missionaries. By decree of the Sacred Congregation of May 6th of the preceding year, Aloysius Izsóf commendably submitted himself. In Rome, on July 8, 1912. Thomas Esser O.P., Secretary. During the blessed reign of Pope Pius X, in the ninth year of his pontificate, on May 1, 1912, the Most Reverend Fathers, John Prior, Ponens, Aloysius Sincero, and Joseph Mori, Auditors, in the case of "Transylvania. Nullity of Marriage," between Barbara Peter, represented by her legitimate procurator ex officio, the advocate Henry Benvignati, and John Nagy, who intervened and disputed the validity of the marriage, rendered the final judgment. Statement of Facts. — Barbara Peter, the only child of parents of humble condition, to whom the entire modest fortune of her parents belonged, when she was fifteen years old, was promised in marriage to a tailor, named John Nagy, whom Barbara strongly opposed. It happened that the suitors, according to the custom of the region, entered the girl's paternal home together with John, in order to

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formally ask her father for her hand in marriage.

[*Latin ed. p. 475*]

The Roman Rota. John was present, but she, from Frias, remained cold and silent, and, despite the insistence of the principal advocate, refused to extend her hand to her future husband. Subsequently, although she was often visited at home, she appeared quite unwell, and consistently denied him any sign of affection. The austere father, perceiving his daughter's aversion, persisted in urging the marriage, and on the day of the wedding, he followed the girl, who was sad and weeping, all the way to the altar, where the marriage ceremony was completed, contrary to custom. The bride participated in the wedding feast with a sorrowful countenance, and wept bitterly; she refused to speak a word to her husband; and he, in turn, before his friends and relatives assembled for a dance after the meal, inflamed with anger, attempted to strike her with his foot. The marriage was consummated only by force, and the life together was so disturbed by quarrels and disputes that the husband left the house, where the couple resided, twice. Upon returning briefly, and with new disagreements arising, he finally abandoned her eighteen months after the marriage was celebrated, and obtained a civil divorce. After the girl's father died, she accused the marriage of nullity based on the grounds of violence and fear before the diocesan court, which declared the marriage null and void, and in the appeal, the sentence was confirmed by the metropolitan court of Calocers in the year 1910, on January 13th. Today, the case of H. S. is presented to the Order for judgment under the usual formula of doubt: Does a nullity of marriage exist in this case? Concerning the law. - Although there is no specific title in the body of the law regarding the impediment of violence and fear, the canonical doctrine concerning the nature of this impediment is derived from various passages in the Authentic Collection by the authors, and especially from chapters 14, 15, and 28 of "De Sponsalibus" in the fourth book of the Decretals. Thus, Alexander III (in chapter "Cum Locum," 14, "De Sponsalibus") decrees: "When there is no place for consent where fear and coercion intervene, it is necessary that, where the consent of each is required, the matter of coercion be removed. Marriage is contracted solely by consent, and where this is questioned, the person must enjoy full security, and their intentions must be investigated, lest they say they consent to something they hate, and thus follow the consequences that usually result from forced marriages." Therefore, the authors teach that, through grave fear unjustly inflicted and causing a lack of freedom in obtaining consent for marriage, the marriage is considered null, at least in ecclesiastical law. The fear must be grave, or it must fall upon a steadfast person, as is explained in chapter 15 "Veniens" and chapter 28 "Consultationi" of the same title. Fear is to be considered grave if it is such that, for the person experiencing it, they believe a serious evil is likely to befall them, and that this evil is not easily

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avoidable.

[*Latin ed. p. 476*]

476 Acta Apostolicae Sedis. - Official Commentary. And, from another perspective, it is powerful and accustomed to carrying out threats. It can also invalidate marriage through reverential fear, or "the apprehension of a future evil, which we fear in those who have power over us" (D'Annibale, vol. I, n. 138, note 16), whenever it can be said that the reverential fear compels the person to enter into marriage under the authority of the father, master, etc. Therefore, the impediment arising from the head of fear does not exist because the person who experienced the fear did not enter into marriage unless the father urged them: for one does not act unwillingly when they do something in order to imitate another; in this case, either there is no fear at all, or it is not unjustly instilled; indeed, as Sánchez says (lib. 4, disp. 22, n. 5, citing Gofired and others), "it cannot be said that the father can 'absolutely compel,' but rather with a slight coercion, namely, paternal reprimand'; or, if it is unjustly instilled, it is only a slight fear, which does not obstruct the essential goods of marriage. Nor, on the other hand, is such coercion required of the contracting party that they merely give internal consent, without truly consenting internally; for consent given under grave fear is considered to be true, not simulated, but it is invalidated because of the lack of the required freedom, arising from the unjustly instilled fear. The gravity of the fear will ordinarily be apparent, taking into account the conditions and circumstances, as will be explained below, by the methods of coercion used by the father or master, namely, beatings, or threats, or importunate and insistent prayers. Indeed, in most cases, such beatings or threats are not so much circumstances of reverential fear as they are the causes of simple fear. Regarding D'Annibale (loc. cit.): "Some consider this [reverential fear] to be the fear of only the offense of the master, father, etc.; others, on the contrary, consider it to be the fear of something serious from him, e.g., disinheritance, expulsion, etc. Neither is entirely correct: not the former, because fear without any damage is not understood (L. 6, cap. De his quae vi, Pont. n. 3); not the latter, because when such a serious damage is involved, the fear is simply to be called a grave fear." There is no doubt that paternal indignation, without threats or beatings, can be sufficient to cause grave reverential fear, since indignation itself can be a serious evil. Thus, D'Annibale (loc. cit.): "Therefore, reverential fear is said to occur when someone fears the indignation of the father, master, etc. (which is certainly an evil), even if there are no beatings or threats (although Sánchez limits this in 'De Matrim.', lib. IV, disp. 6, n. 7, 11, 13, 14). If this indignation is serious and prolonged, it is a serious evil, and therefore, the fear is rightly considered to be grave (Sanch., cit. 1., n. 14; Pont. n. 6; Navarr., Sal, 9; 9, 34; Reiffenst. III, 31, 115). And, to speak generally, 'that someone has truly entered into marriage compelled

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by paternal authority' (from c. Puellae 3, qu. 5).

[*Latin ed. p. 477*]

The Roman Rota. 477 "Either excessive reverence (L. 1, 6, Quarum rerum: V. Sanch., n. 16) caused by fear, or it should be said that it was done 'out of reverential fear'." Sánchez, loc. cit., n. 12, states: "Indeed, the fear of a steadfast man, without threats, is considered to be reasonable, if he to whom reverence is 'due' is exceedingly cruel, and displays cruelty, and is accustomed to 'act cruelly' when his will is not obeyed. For, if threats are lacking in action, they are nevertheless present in virtue, and a probable fear of imminent coercion is sufficient. I have said enough on this matter in the fourth book, chapter 1, page 16." And n. 14: "If one believes that a lasting and probable indignation will arise, and that the father or husband will always be very angry and indignant, and that this disobedience will be widely reproached, then it is a fear that borders on the fear of a steadfast man." Goscius (De separatione, book 3, chapter 4, n. 87): "Marriage is null, whether the consent is lacking because of threats and violence, or merely because of the suspicion of parental indignation." The reason for this principle is given by the Sacred Rota before Louis, decree 374, n. 7: "Just suspicion of fear is sufficient because in marriage there must be freedom, not only from coercion, but also from the fear of coercion." Similarly, the Rota before Royas (decree 491, n. 8): "In these circumstances, reverential fear, joined with the danger of a serious evil, is sufficient, which is reasonably believed to arise from the mere indignation of a parent." In external matters, however, such indignation is not presumed to be a serious evil, nor, as Gasparri notes (vol. 2, no. 942, ed. 1904), "unless the circumstances suggest otherwise, or something else is added, e.g., quarrels, threats, importunate and insistent requests," etc. In considering the circumstances, in order to determine whether a party believes that a serious evil, difficult to avoid, is probably threatening them, account must be taken of their sex, age, education, character, as well as the character and behavior of the one causing the fear, and the relationship between the two. Thus, the Instruction of the Holy Office of June 20, 1883, n. 35, 36, states: "Furthermore, the seriousness of the fear arises from the nature of the threats, from the quality of those from whom they originate, and from those who are said to have suffered them, their character, their condition, their manners, and how they are accustomed to govern the family: whether they are so prone to anger and violence that they easily carry out what they threaten, and whether they are so hard and obstinate that they would not tolerate anyone to contradict them or to object to their plans. 'Account must be taken first of the sex of the person who is said to have suffered violence; for the mind of a girl is more easily moved than that of a man: then of her age, her education, her character, whether she is mild and timid, or strong and steadfast; of the manner in which she is accustomed to live in the family, whether under

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the custody and vigilance of her parents, so that she is subject to their authority..."

[*Latin ed. p. 478*]

Acts of the Apostolic See. - Official Commentary 478. "It must always be considered, in every case, whether she enjoyed any freedom, whether she was able to express her own feelings and to act according to her own will; whether the parents had so separated her that all possibility of seeking counsel had been taken away from her, and whether they granted no opportunity to speak to anyone, except those whom they judged capable of giving advice regarding the marriage." Regarding the facts. - It is established from the records: 1° that the father of Barbara was, beyond measure, an absolute man, and firmly desired the marriage; 2° that, on the contrary, Barbara, a girl of fifteen years, was entirely submissive to her parents, and that, from the beginning, she abhorred the person chosen as her husband by her father, and, through tears and other means, constantly showed that she considered the offered marriage to be unwelcome; 3° that, despite the repeated aversion shown by the daughter, the father, by every means, arranged for the marriage to take place. V. The circumstances surrounding the marriage, both preceding and concurrent, as well as those immediately following, suggest that the actress entered into the marriage under the influence of great fear. 1°. Thus, the witness Pal Stephanus speaks of the father: "Peter Martin, who was my neighbor, was the father of the bride; he was a man of good standing, but austere, tenacious, and a fierce avenger of his own will, who tolerated no will in his house except his own, whether it was good or harmful." The mother of the bride testifies about her husband: "He would not have accepted any attempt to dissuade him from his purpose, because, as I have experienced in my own married life, he was a man of a stiff neck, and so inflexible that he would tolerate no will in his family except his own, whether it was good or harmful." The actress herself says: "He was a very stern man, tolerating no will except his own." 2°. Regarding the character of Barbara, the following statements are found in the depositions. Pal Stephanus says: "The plaintiff herself, then a very young girl (she was in her sixteenth year), knew nothing about marriage, and was very submissive and religiously obedient to her parents." Pal Veronica: "Barbara, my friend, was indeed, and, being religiously disciplined by her parents, she feared to speak of family matters." Several witnesses testify that her aversion towards the husband offered to her by her father was constantly shown from the beginning to the end. This creates a presumption against the freedom of consent in the marriage.

[*Latin ed. p. 479*]

"The Roman Rota has rendered 479 judgments concerning marriage, as declared by the Rota before Louis (decree 326, nos. 7 and following). 'The

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likelihood of deducing [a conclusion] from excessive aversion and repugnance... which, as they declare, is most alien to the mind of the marchioness concerning said marriages (L. Si quis. most of the titles on religion and expenses), thus removes the consent from the contracts.' - Thus, the actress: 'My father had him (John Nagy) invited to our home, and he would always receive him with a cheerful and benevolent spirit, and he followed every inclination; whereas, on the contrary, I, with an alien spirit and passive rigor, repelled his attempts to approach me and his overtures. I did not engage in any conversations with him, and I passively tolerated his remarks without any response... And when I had not yet completed my sixteenth year, and I had no idea about matters of marriage, at that time no desire to marry occurred to me, not even to another man... To John Nagy, whom my entire person felt was ungrateful and alien to my spirit. The petitioners arrived at my parents' home to formally request me for a marriage with John Nagy. These petitioners, with ornate speech, requested my hand, and my father promised my hand to John Nagy with his paternal authority, but they questioned me in vain, and I did not respond with so much as a word, and although they tried to entice me with forceful gestures, they were unable to persuade me to offer my own hand to John Nagy, which, according to the common consent of all and the accepted custom of this region, is the expressed sign of free consent. I did not wish to sit at the table where the petitioners and my parents were gathered according to custom, but I went outside; however, my father forced me to the meal, and I did not dare to resist him, because he was a very stern man, who tolerated nothing contrary to his own will; however, when they had departed from our boundaries, I extended my hand to everyone and bid them farewell, except for John Nagy... At the time of the announcements, when my sadness and the pain of my spirit and my disgust at such an ill omen were clearly evident to him (my father), he watched over me with even greater severity and implacability, lest my own desires be thwarted.' Similar testimony was given by the groom: 'For I had already, at the time when I intended to unite her with me in marriage, clearly seen that she was not favorably disposed towards me. However, she opposed my honest efforts with a rigid demeanor, so that she did not utter a single word to me during my visits. When my petitioners entered my father's home to request her hand in marriage, and they explained the reason for their visit, she did not utter a single word of consent, and only her father himself, according to his own judgment, declared to us that he would give Barbara to me as his wife, and he promised it. Following this, my uncle,..."

[*Latin ed. p. 480*]

480 Acta Apostolicae Sedis. - Commentarium Officiale. « He who fulfilled the office of my advocate, with all humanity, and soon also with masculine energy, strove to move her, so that she might extend her hand

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to me as a sign of consent – but quite in vain – she refused, and again refused... Although I had observed her sadness when examined before the parish priest, and that she had answered all the questions proposed to her with boredom and ingratitude, nevertheless, according to the opinion of her father, I attributed this to her youth and inexperience. During the time of the announcements, when I visited them, she received me coldly, barely responded to my words, and subsequently refused to extend her hand; while sitting with me, she fell asleep; when I intended to leave, she never accompanied me, as is customary, nor did she say goodbye or offer her hand. On several occasions, I tried, as lovers often do, to embrace her with my arm; but she rejected me so many times, with such horror. Pal Matthaeus testified: « The neighbor, and who was to be her godfather at confirmation, Peter, visited them several times during the time of the announcements, with kindness; on one occasion, Barbara revealed to me, with confidence, that she would not enter into a marriage with John Nagy under any circumstances, unless her father forced her to do so. She said this in the absence of her parents, because, in the presence of her parents, especially her father, she would not have dared to say such things, because she was completely afraid of them. I, for the sake of consolation, thought that they would eventually become accustomed to each other and grow fond of each other; to which she replied that it was impossible for a person with such brutish characteristics as John Nagy to become accustomed to anyone. The actress's mother: « When John Nagy began to frequent our home, my husband and I received his visits kindly. « Less so our daughter; for she did not engage in any conversation with him, but left him sitting, and, desiring her room, she retired for the night's rest, so that we ourselves had to continue the conversation with the guest. The same John Nagy, accompanied by his advocates, appeared at our home, and turned to the father, and the father, with his authority, promised him her hand; they did not question her, but John Nagy's uncle spoke to her and urged her to extend her hand to the groom, to which she completely refused and did not extend her hand to him... My daughter was very sad during the preparations for the marriage, and she did not tell me, her mother, anything; however, I did not pay much attention to her sadness, because I thought that, being very young and inexperienced, she did not know why she was crying. 3°. Regarding the father's persistent intention to have the marriage take place, despite the daughter's reluctance, the following witnesses speak. The actress's mother said: « Neither I, nor her father, but neither did John Nagy, care about...»

[*Latin ed. p. 481*]

The Roman Rota. 481 "by her own will (with respect to marriage), so that we might question her." The witness testifies: "One day, we all came to the parish priest to discuss the announcement of the marriage, and then

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to the notary of the town to complete the documents according to civil law; and my father walked very sternly ahead of me in both places, and he did not leave me for even a moment, and he glared at me with a fierce expression, threatening me so that I might not speak or act in any way contrary to his will and command. At the time of the announcements, it was very clear to him that my sadness, my grief, and my aversion to such an unfortunate prospect had deeply affected him, and he watched over me with even greater and more implacable care, so that his desired outcome would not be thwarted." What was unusual and aroused admiration was that Barbara's father stood next to the altar during the marriage ceremony, together with the bridegroom, as testified by the witness and her mother, Ioannes Nagy, and Pal Matthaeus, who said: "Even then, from the father's unusual presence, Barbara must have realized that something was at stake that was not according to the usual order." From the mother's words, it seemed that Barbara was not seriously opposed to the marriage, when she said: "Barbara did not explicitly tell us that she did not want him as a husband." But the girl, being fifteen years old, the only child of her parents, to whom she had always been obedient in everything, saw no escape, and she showed her opposition in the only way she could, namely, through sadness and tears, and through a constant denial of any sign of affection and most often of any sign of common charity, towards the bridegroom who was displeasing to her. The mother said: "I could not persuade my father to abandon his intention, because, as I have experienced in my own married life, he was a man of a stiff neck, and so inflexible that he would tolerate nothing in his family except his own will, whether it was good or bad." And Pal Stephanus said: "She could not in any way avoid her father's unfortunate plan, for example, if she had wanted to avoid this marriage, she could not have offered herself as a servant to the homes of others, because her parents would have completely prevented her, for she was the only daughter and the only child." The witness also testified: "My mother followed all of my father's wishes, and for this reason, I could not share my anxieties with her; nor with anyone else, because they completely separated me; my days were spent in hidden sorrow and lamentation, and I could not convince myself that it was possible for me to exist as the wife of Ioannes Nagy." Barbara testified about the threats of disinheritance made by her father: "As I saw that everything was being prepared seriously for the wedding, I openly told my father that I could not tolerate Ioannes Nagy, that I did not love him, and that I did not want him at all. But he, being affected by violent anger..."

[*Latin ed. p. 482*]

482 Acta Apostolicae Sedis. - Official Commentary. "And with the sharpest words, he afflicted me, commanding and ordering that I fulfill whatever he 'wills and commands, with blind obedience, because

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otherwise he will deprive me of everything and cast me out of the house.'" Although the threats are not proven, since Barbara is the only witness and also the actress, her testimony, to the extent that it affirms the coercion of the father, is confirmed by two other witnesses, who testify that they heard from Barbara, before the marriage, that she would only consent to marry John Nagy if her father forced her to do so. Thus, Pal Matthaeus: "Once, Barbara revealed to me in confidence that she would not enter into marriage with John Nagy under any circumstances, unless her father forced her to do so with great insistence." And Kovacs Barbara: "During the celebration of the wedding, while the guests were gathering in the paternal home to proceed to the church, the bride was deeply affected by sadness and sorrow, and when I asked her about this matter, she responded with a desperate and dejected spirit: 'It is necessary to obey the stronger.'" 4° The circumstances that preceded, accompanied, or followed the celebration of the marriage, assuming what has already been stated, undoubtedly place the actress entirely in a state of life and under the influence of great fear, having expressed her consent, as Pal Matthaeus, Barbara's godfather, recounts: "I was present at the wedding when the group was supposed to go to the temple, and I heard with my own ears, as the bride began to weep aloud, her father exclaim to her with all his vehemence: 'Hurry up! Get going! Don't wail!'" All of this deeply affected me, so in the temple I observed the act of marriage with all diligence and attention. And indeed, I experienced that the responses to the usual vows were given with a very afflicted spirit and sorrow, and that they were not uttered, perhaps, except because she feared the presence of her father. Recounting the unusual presence of the father at the altar during the celebration of the wedding, he continues: "During the wedding meal, she was constantly weeping, and no one failed to see her sadness; later, while they were dancing, the groom approached her with a kick of his foot, and, according to some reports, struck her." Kovacs Barbara says: "During the festive gathering, in the church, and at the wedding feast, she was very sad, and she did not speak with the groom or with anyone else, and she reluctantly participated in the dancing, and it happened that she was struck by the groom's foot, as they say, because a certain man was embracing her." Other witnesses, namely, Barbara's mother and Pal Veronica, recount the same event, but indicate a different motive for which John wanted to strike the bride in front of the entire wedding gathering, namely, that she was refusing to speak or dance with the groom.

[*Latin ed. p. 483*]

Saint Roman Botta, No. 483. It makes little difference this diversity in the testimonies, for whatever is chosen from the reasons given, the very fact itself equally demonstrates how grievously the man bore the aversion towards him, publicly shown by the girl, and therefore confirms the gravity

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of this aversion, attested by many. However, almost all the witnesses agree in depicting the bride's sorrow and sadness, whether before, or after the celebration of the marriage, or at the very time of the celebration. On the first night of marriage, they slept separately; then, the marriage was consummated only by force, and Barbara always reluctantly performed her marital duties, as both spouses affirm under oath. The conjugal life was never peaceful, and the quarrels were so intense that the man left the house twice, and a third time, finally, a year and a half after the marriage was celebrated, he abandoned his wife, never to return. "Their entire common life," says Madame Veronica, "was unhappy and utterly unbearable." "She often complained to me, repeating again and again that her own parents had made her unhappy." The mother of the actress said: "Especially, the deceased husband of my daughter often accused himself of his unfortunate and improper conduct." These circumstances, narrated in sworn depositions, transmitted to us in the Latin version, prove, according to the testimony of all witnesses, as the Ordinary of Transylvania declares, that the paternal indignation in the case of the young girl was a grave evil, which he did not believe he could avert except by consenting to the marriage imposed upon him by his father. Having considered and carefully pondered all these things, invoking the name of Christ, We, the undersigned Auditors of Tournon, sitting for the Tribunal and having only God before our eyes, decide, declare, and pronounce: That the marriage is null and void in this case, or, to answer the question posed, we affirm in the affirmative. Thus we pronounce, ordering the Ordinaries of the places and the ministers of the tribunals to whom it pertains, to order the execution of this our definitive sentence, and to proceed against those who resist, according to the sacred Canons and especially Chapter 3, Session XXV, on Reform, of the Council of Trent, using the executive and coercive means that will be more effective and appropriate for the circumstances. Rome, on the 1st of May, 1912. John Prior. Aloysius Sincere. Joseph Mori. Rev. T. Tani, Notary.

[*Latin ed. p. 484*]

484 Acta Apostolicae Sedis. Official Commentary. SECRETARY OF STATE, LETTER. I. TO Reverend Father Ignatius Montbris, Bishop of Potentia and Marsico Nuovo, CONCERNING THE FIRST CONVIVIUM OF CATHOLICS OF LUCANIA.

Most Reverend and Reverend Monsignor,

The joyful news of the first regional convium of the Catholics of Basilicata, which Your Eminence has just communicated to me, constitutes a beautiful proof of your pastoral activity, and I have not failed to inform the Holy Father of it, as you desired, in order to obtain his highest approval. Your Eminence knows well how deeply His Holiness cares for the Catholic Action in Italy. Therefore, I must tell you that the august Pontiff warmly congratulates you on this salutary initiative and offers his best wishes for

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its prosperous success. This will certainly be equal to expectations, if, as is fitting, in promoting and directing Catholic Action, one keeps a firm gaze on the wise norms outlined in the memorable Encyclical *Il fermo proposito*. But this is assured by the enlightened zeal of Your Eminence and the announced intervention of the Presidencies of the five Catholic Unions. Therefore, all that remains for the Holy Father is to accompany the work of the convium with happy wishes and to pray that the Lord bless it and make it fruitful with abundant and lasting fruits. May the blessing of God be a pledge of the apostolic blessing, which His Holiness sends from the heart to Your Eminence and to all those who will participate in the convium.

With sentiments of sincere esteem, I take pleasure in reaffirming myself.

June 21, 1912.

Your Servant,

Cardinal Merry del Val.

[*Latin ed. p. 485*]

Secretaria 485 Status. n. TO THE MOST REVEREND AND ILLUSTRIOUS FATHER, CHARLES M. A. DE GORMONT, BISHOP OF ATURA, CONCERNING THE BOOK ENTITLED "THE SACERDOTAL VOCATION," PUBLISHED BY THE REVEREND CANON JOSEPH LAHITTON, OF THE SAME DIOCESE.

My Lord,

Due to the dissensions that have arisen concerning the two works of the Reverend Canon Joseph Lahitton on "The Sacerdotal Vocation," and considering the importance of the doctrinal question raised therein, Our Most Holy Father, Pope Pius X, has deigned to appoint a special Commission of Eminences. This Commission, after carefully examining the arguments in favor of both theses, pronounced the following judgment in its plenary session on June 20th last:

"The work of the distinguished Canon Joseph Lahitton, entitled 'The Sacerdotal Vocation,' is in no way to be condemned; indeed, that part which [is presented] is to be highly praised.

1. No one has ever had any right to receive ordination prior to the free election of a bishop.

2. The condition which must be considered by the one who is to be ordained, and which is called the sacerdotal vocation, does not, at least necessarily and by ordinary law, consist in some internal inclination of the subject, or in invitations of the Holy Spirit, to enter the priesthood.

3. But, on the contrary, nothing more is required in ordination, in order that one may be rightly called by the bishop, than a right intention, together with suitability in those gifts of grace and of nature, and through that life of probity and sufficiency of doctrine, which give a well-founded hope that he

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will be able to properly fulfill the duties of the priesthood and to faithfully observe all its obligations: this is to be highly praised."

His Holiness Pope Pius X fully approved, in the audience of June 26th, the decision of the Most Eminent Fathers, and He charges me to inform Your Eminence thereof, who will kindly communicate it to the Reverend Canon Joseph Lahitton, and to have it inserted in its entirety in the Religious Weekly of the Diocese.

I implore Your Eminence, My Lord, to accept the assurance of my most devoted sentiments in Our Lord.

Rome, July 2, 1912.

YOUR CARDINAL, MERRY DEL VAL.

ACTA, vol. I, n. 4, pp. 13-15. July 9, 1912.

[*Latin ed. p. 486*]

Acts of the Apostolic See. - Official Commentary. 486 ROMAN CURIAL DIARY. SACRED CONGREGATION OF RITES. CONGREGATION OF PREPARATORY MATTERS. On July 2, 1912, before the Most Reverend and Right Reverend Cardinal Ponente, Luigi Oreglia, the Preparatory Congregation of the Sacred Rites was held, in which the Reverend Prelates and Theological Consultors discussed and gave their vote regarding a miracle, which is attributed to the intercession of the Venerable Servant of God, Joseph Cottolengo, a secular priest, Founder of the Little House of Divine Providence in Turin.

ORDINARY CONGREGATION. On July 9, 1912, in the Apostolic Palace of the Vatican, the Ordinary Congregation of the Sacred Rites was held, in which the following matters were presented to the judgment of the Most Reverend and Right Reverend Cardinals, who comprise the same:

I. Introduction of the Cause of Beatification and Canonization of the Servant of God, Lucy Filippini, Founder and Superior of the Institute of the Pious Filippini Sisters.

II. Confirmation of the worship, for a long time immemorial, paid to the Servant of God, Peter of Guardiagrele, of the Order of the Friars Minor, called Saint or Blessed.

III. Granting and approval of the Office and Mass proper in honor of Saint Macrina, Virgin, sister of Saint Basil.

SECRETARY OF STATE. NOTICE. The Directorate of the Pontifical Annual respectfully requests the Most Reverend Archbishops and Bishops to send it in a timely manner the forms relating to ecclesiastical and lay dignitaries who have received Pontifical distinctions, belonging to their respective dioceses, and to indicate the names of the deceased, in accordance with the circular letters of His Eminence, the Most Reverend Cardinal Merry del

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Val, Secretary of State. They are also requested to check and, if necessary, correct the dates of birth and other information concerning their persons.

Rome, June 15, 1912.

[*Latin ed. p. 487*]

From the Roman Curia Diary. '487 NAME. By letters from the Secretary of State, the Holy Father deigned to appoint: July 4, 1912. — Monsignor Giovanni Maria Zonghi, President of the Pontifical Academy of Noble Ecclesiastics. By Briefs from the Secretary of State, the Holy Father deigned to appoint: Assistant to the Pontifical Throne: July 6, 1912. — Monsignor Tommaso Kennedy, titular Bishop of Adrianopolis and Rector of the American College in Rome. Apostolic Protonotary, as if among those participating: June 28, 1912. — The Reverend Monsignor Filippo Monconi, of the diocese of Sulmona. Domestic Prelates of His Holiness: June 27, 1912. — Monsignor Edmondo Scholz, Honorary Canon of Breslau. July 1. — Monsignor Alfonso Lauter, of the diocese of Coira. By letters from the Secretary of State, the Holy Father deigned to appoint: Secret Chamberlain, participating. July 3, 1912. — Monsignor Alberto Arborio Mella di Saat' Elia. Secret Chamberlain, supernumerary. July 1, 1912. — Monsignor Andrea Croci Landucci, Auditor of the Apostolic Nunciature of Brazil. Honorary Chamberlains in purple attire. July 1, 1912. — Monsignor Attilio Pizzi, of the diocese of Padua. July 8. — Monsignor Pietro Tondinelli, of the diocese of Sabina.

[*Latin ed. p. 488*]

488 Acta Apostolicae Sedis. - Official Commentary, HONORS. With Briefs from the Secretariat of State, the Holy Father deigned to bestow the following honors: The Grand Cross of the Order of Saint Gregory the Great, civil class. July 3, 1912. — To Mr. Giacomo J. Ryan, of Philadelphia. The Commander's Cross of the Order of Saint Gregory the Great, civil class: June 21, 1912. — To Mr. Carlo Halla, Austro-Hungarian Consul in Monastir. — To Mr. Knight Giovanni Diepen, of Valkénbourg, in the diocese of Ruremonda. July 5. — To Mr. Antonio Sarazin Destailleurs, of Lille. The Knighthood of the Order of Saint Gregory the Great, civil class: June 24, 1912. — To Mr. Camillo Maria Letourneurs, of the diocese of Lavai. — To Mr. Leone Maria Francesco Treton de Voujuas-Langan, of the same diocese. July 3. — To Mr. Lawyer Bartolomeo Seganti, of the archdiocese of Bologna. July 5. — To Mr. Eugenio Danbresse-Vanheulle, of Lille.

[*Latin ed. p. 489*]

Year IV. - Volume IV. July 31, 1912. No. 14. OFFICIAL ACTS OF THE APPOSTOLIC SEE. PAPAL ACTS OF POPE PIUS X. ERECTION OF AN APOSTOLIC VICARIATE. NEW APOSTOLIC VICARIATE OF CE-LI MARITIMI, IN CHINA (TIENTSIN). PIUS PP. X. For the sake of posterity. - To us, seated in this most exalted Chair of the Prince of the Apostles, there is nothing more ancient than the spreading of the Catholic Religion far

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and wide throughout the world. Therefore, we have received with joy and pleasure the news that the number of the faithful in the apostolic Vicariate of Ce-li, that is, the northern, or Peking, Vicariate, has increased so much, that the venerable brother Stanislaus Jarlin, titular Bishop of Pharbaetitis, the most astute prefect of that Mission, has deemed it fitting to request and urge this Holy See to divide that Vicariate. Therefore, since we are convinced that such a plan will succeed prosperously, either in better propagating the Christian name, or in more easily assisting the neophytes, after carefully considering all matters with the Most Reverend and Most Eminent Cardinals of the Holy Congregation for the Propagation of the Faith, we have decided to divide that Vicariate, as will be stated below. Wherefore, by our own authority, with certain knowledge and mature deliberation, and by the fullness of our apostolic power, by the present document, we separate from the apostolic Vicariate of Ce-li, that is, the northern, or Peking, Vicariate, the civil Prefecture, commonly called Tien-tsin-fou, and we erect and establish it as a separate apostolic Vicariate, to be called Ce-li maritimi, and we grant it to the priests of the Mission, who have earned merit for themselves in those remote regions for the Church. The boundaries of this new apostolic Vicariate shall be: to the north, the apostolic Vicariate of Ce-li; to the east, the Tche-ly Gulf; to the south, the northern Sciam-tom Missions and the Ce-li Missions.

[*Latin ed. p. 490*]

Acts of the Apostolic See. - Official Commentary 490. From the southern-eastern region, to the western region, the Missions of the Southern-Eastern Celestial and the Northern Celestial. We decree that these letters shall always exist and be valid and effective, and shall fully and completely produce and obtain their intended effects, and that they shall fully support those to whom they apply, now or in the future, in all things and through all things: and thus they ought to be judged and defined in the foregoing, and shall be null and void if, by anyone, knowingly or unknowingly, through any authority, anything should happen to be attempted contrary to them. Notwithstanding Our regulations and those of the Apostolic Chancery concerning matters of law, and other Apostolic Constitutions and Sanctions, even those worthy of special and individual mention and derogation, which may be contrary to these. Given in Rome, at St. Peter's, under the Fisherman's Ring, on the twenty-sixth day of April, 1912, in the ninth year of Our Pontificate. R. CARD. MERRY DEL VAL, L. £g S. of the Secretariate of State. LETTER. TO THE MOST REVEREND FATHER FRANCIS M. GIBURE, BISHOP OF BAYONNE, ON THE OCCASION OF THE CORONATION OF BLESSED MARY V. "OF THE BEAUTIFUL BRANCH," AT THE CHURCH OF BÉTHARRAM. Venerable brother, greetings and the apostolic blessing. — The day is not far off, as is reported, when the sacred solemnity, arranged by you,

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will bring together the devotees of the Virgin of the Beautiful Branch to Bétharram, so that the insignia may be presented to the august Queen of angels and of men, with royal majesty. And to Bétharram, ancient, within the boundaries of your diocese, the church of the Virgin, which, through the constant prayers of her children and the benevolence of the Mother, has been enriched with gifts, and which the foresight of Our predecessors has increased with benefits, Our thoughts fly, remembering the matter which you willingly and gladly brought to Our attention when you first proposed to Us the plan of crowning the image of the Mother of God. The desire arose to fulfill the promise and, with a new testimony of piety, to acquire a new, as it were, right to the patronage of the most devoted Mother. - Therefore, venerable brother, the beloved son Victor Bourdenne, General Procurator of the religious family of the Priests of the Sacred Heart of Jesus of Bétharram, whose piety has admirably proven itself in the care of the aforementioned temple, will come to you, and he will bring with him two golden crowns, with which We grant you the power to adorn the image of the divine Mother and her Son, in solemn ceremonies. May these gifts be received by both of us in such a way that they may lead to an imperishable...

[*Latin ed. p. 491*]

To those who desire the crown of glory, and who earnestly wish to be called, may the blessing, a testament to the divine graces and to Our paternal benevolence, which We impart to you, venerable brother, to the priests who guard the temple, and to all who are with you in Livias, be abundantly bestowed in the Lord. Given in Rome, at St. Peter's, on the fourteenth day of June, in the year 1912, in the ninth year of Our Pontificate. PIUS PP. X.

CIRCULAR LETTERS CONCERNING THE SEMINARIES OF ITALY, TO THE MOST REVEREND ORDINARIANS.

The apostolic visits made last year to the seminaries of Italy have revealed that, thanks to God, the condition of these institutions has, through the diligent and watchful care of the Ordinaries, universally improved to such an extent as to inspire the best hopes for the future.

It is true that some seminaries have found themselves so burdened by numbers as to cause no small concern; and it has also been thought by some that this decrease in students and in perseverance in their initial aspirations to the ecclesiastical state is due both to the new systems of secondary, gymnasium, and lyceum studies, and to the concentration of studies for higher education.

But if one considers that this phenomenon has also occurred in dioceses where there was never any thought of concentration; and conversely, in other dioceses, where secondary studies were fully in conformity with pontifical norms, and where concentration for theological studies took place, there has been no lack of aspirants to the ecclesiastical state; one must

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necessarily conclude that these are not the adequate and sufficient reasons to explain the fact, but that they must be sought elsewhere.

And certainly, the hostility to which the clergy is subjected from so many quarters and in so many ways, the few human attractions of the ecclesiastical state in our day, the greater material advantages offered by other states and professions, sometimes even with fewer years of study and less expense, cannot but deter many from embarking on the path of the Sanctuary, and from attempting...

[*Latin ed. p. 492*]

492 Acta Apostolicae Sedis. - Official Commentary. others from persevering in it, especially if, during their studies, much care has not been taken to strengthen the weak wills of the students of the Seminary and to protect them from the dangers of seduction. And indeed, the ultimate and true cause of the decrease in students in Seminaries and the lack of perseverance of many in their initial aspirations must be found in this. But whatever may be the case, since, according to the divine promises, it is certain that the tribe of Levi will never become barren in Israel, and that divine assistance and vocations to the ecclesiastical state will never be lacking in the Church *usque ad consummationem saeculi*, nor will generous souls ever be wanting who respond to the voice of the Lord, even when He calls them to privation or sacrifice; there is no reason to despair of the present distress suffered by many dioceses. Rather, it is fitting to consider a remedy. And to this end, it is necessary that the Ordinaries excite the zeal of the parish priests and of zealous priests, so that they seek out in their parishes young men of good character, of sufficient intelligence, inclined to ecclesiastical matters; and, having found them, they should take special care of them and cultivate them in piety and studies with patience, with love, with all diligence, and even with some temporal assistance, so that, if the voice of God calls them, they may be able and prepared to respond and to enter the Seminaries in due time. In this way, a company of chosen clerics and priests has been procured for the Church of the Lord in many dioceses. But what is of even greater concern than the number is the holy and perfect formation of the future ministers of God. And it is to this that one should above all and with all effort strive, not being content with the improvements achieved so far, but seeking to maintain and to increase them ever more. To this end, the Holy Father, while generally and to all recommending the observance of pontifical norms and the principles on which the program of studies published by the Sacred Congregation of Bishops and Regular Canons is based, as well as the general and special provisions subsequently issued by the Holy See, compatible with what will be said below; calls the attention of the Most Reverend Ordinaries to the following special points, which, as a result of the apostolic visits, according to the desire expressed by many Bishops, and with the vote of the Most Reverend Fathers of this Sacred

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Congregation, it has been deemed necessary to point out and establish. 1. First of all, it would be an excellent, if not necessary, piece of advice to separate the older students from the younger students in the Seminaries, and, where possible, to establish two institutions. This has already been in use for a long time in...

[*Latin ed. p. 493*]

Sacred Congregation of Councils. 493. In some large dioceses, such as Turin, Milan, etc., and recently implemented where concentrations of theological and sometimes philosophical students from various dioceses are gathered in a single interdiocesan institution, while the other students remain in the diocesan seminary. The reason for this practice is that it is not convenient or useful to apply the same discipline, the same sermons, the same instructions, the same practices of piety, and the same common readings to young boys of 12 or 15 years of age, of limited intelligence, still uncertain of their future, and to those of mature age, in the full development of their minds and with already formed intentions. Furthermore, a middle discipline, suitable for properly forming both groups, is impossible.

2. Let no young boys who clearly profess that they do not wish to become priests be admitted to the seminary, even for the initial classes of study; but let it be required that they at least manifest an initial inclination towards the ecclesiastical state. Those who positively aspire to the secular state will necessarily feel uncomfortable in the seminary, where everything tends and must tend, not towards worldly ambitions, but towards piety, devotion, and ecclesiastical formation. Moreover, the mixing of students not called and of those called to the ecclesiastical state is always fatal to the latter, and, as experience has shown, causes the loss of many vocations. Therefore, if the Most Reverend Ordinaries believe it useful or necessary to open a place of education for lay young men under the protection of the Church, let them establish a separate college, entirely distinct from the seminary. In this case, however, let them be very careful, as they should be, that the revenues destined by the piety of the faithful or by a special grace of the Holy See for the formation of clerics are not, even in a small part, allocated to the benefit of the secular college.

3. It is of utmost importance that both the minor and major seminaries have a place of retreat, and that the vacations with their families be shortened as much as possible. In former times, with much more limited autumn school vacations, the return to the family could be less dangerous. Today, with three months or more of school vacations, with the great freedom of customs introduced into society and families, and with the widespread dissemination of harmful books and newspapers, the free and prolonged stay of the students in their homes cannot but be harmful and often fatal. Therefore, let a period of 10 or 15 days be given to the students, according to the prudent discretion of the Most Reverend Ordinaries, so that they

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may visit their relatives, and...

[*Latin ed. p. 494*]

"The Acts of the Apostolic See. - Official Commentary. It is advisable to allow young men to become somewhat acquainted with the world, whether they return to the Seminary or spend time in the countryside, and there to provide them with the means to rest and recreate themselves honestly, so that they may return to their studies with greater zeal in the following year; however, they should not entirely abandon their books, and should always cultivate the practices of piety with the same devotion.

4. Having divided the Seminaries into large and small ones, the problem arises of how to provide prefects for the classrooms of the gymnasium. This difficulty has been optimally addressed in some dioceses with the approval of the Holy See, by entrusting this office to young priests who have graduated from theological Seminaries, a task that is already part of their course of studies. This measure, while meeting the needs of the smaller Seminaries, also has the advantage of better preparing the new priests for public life, with a gradual transition from the secluded life of the Seminary to a limited freedom, which they may have as prefects of the smaller Seminary. Furthermore, in this way, they can better pursue supplementary studies that are so useful for the practice of the sacred ministry, such as pastoral theology and other subjects, according to the prudent judgment of their respective Ordinaries. These Ordinaries, having the young priests with them for one or two years, can better get to know them, and at the appropriate time, place them more usefully according to their aptitudes; without mentioning that, in the meantime, they would have at hand a small group of priests full of strength and with pure aspirations, who could be employed for some extraordinary work or need of the parishes of the city, or those not far from it.

The only difficulty that has been, and can be, opposed to this measure is the need to immediately provide for some church and to satisfy those faithful who demand a proper pastor or a coadjutor who resides there. But if one considers that it is much better to provide a priest who is perfectly formed and secure, even with a delay of one or two years, rather than to throw him into the midst of the dangers of the world, still fresh from ordination; and that the advantages of keeping one or two years the priests in this state of transitional formation are immensely greater than the benefit of immediately providing for vacant places and offices, there is no doubt that, as far as possible, it is advisable to adhere to the aforementioned recommendation; all the more so since the inconvenience of waiting will only be for one or two years; and once the system is introduced, it will no longer be so noticeable.

Therefore, it is recommended to the Most Reverend Ordinaries to adopt it with those methods and adjustments that they deem appropriate or nec-

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essary.

5. As for the schools, care will be taken that they are internal and for the use of seminarians only, or those aspiring to the ecclesiastical state; and this is to preserve..."

[*Latin ed. p. 495*]

Sacred Congregation of Councils. 495. To protect students from dissipation and from those dangerous relationships which are so common in schools attended by secular students, it is necessary that the schools of the Seminary, even though they are of the gymnasium and lyceum type and substantially conform to the state programs, should have their own character and direction, as is required for those aspiring to the priesthood, according to the norms which are determined hereinafter. However, Ordinaries who have a secular college attached to the Seminary may allow the students of the same to attend the gymnasium schools of the Seminary. But in this case, it is necessary that there be in these schools teachers who are civilly licensed, and that the programs of the state are followed entirely therein. Furthermore, the Ordinaries must take every care to ensure that no harm comes to the spirit and discipline of the seminarians; and they must provide that the latter, during hours separate from school, receive that supplementary instruction which is required from the very first years for those aspiring to the priesthood. 6. Since the holy days of precept should be especially dedicated by the seminarians to the worship and service of God, and therefore cannot be considered as days of complete vacation, it is necessary to give the students another day per week for rest; but not in such a way that it is not possible to establish within the same a period of instruction for less burdensome or secondary subjects, according to the prudent judgment of the Ordinaries, after consulting the designated representatives and superiors of the Seminary. And this period of instruction must be given by the regular teachers, and it may be included within the scope of subjects for examination and awarding of prizes. 7. On school days, the hours of instruction will be four (or at most four and a half, if one day per week is a complete vacation), not consecutive, but appropriately divided according to the judgment of the Ordinaries, after consulting the council of the designated representatives and superiors of the Seminary. A greater number of school hours does not seem possible, given the necessity of providing sufficient time for private study and for the necessary practices of piety in a Seminary, and of not causing harm to the rest and relief necessary for the physical well-being of the students. On the other hand, the life of contemplation during the year, and the study which is not entirely suspended during the autumn vacation, serve to compensate well for this limitation. 8. In the gymnasium, while generally adhering to the civil teaching programs, special emphasis will be given to the study of the Latin language; moreover, in each week during the hours of school, there

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will be one hour of catechesis and one hour of the history of the Old and New Testaments.

[*Latin ed. p. 496*]

496 Acta Apostolicae Sedis. - Commentarium Officiale. 9. In schola media, per omnia tria studia, et in quoque die scholastico, erit una hora docendi philosophiae secundum methodum scholasticam; et, praeterea, pro eadem materia, una hora repetitionis hebdomadalis, et alia hora disputationis quindecim diebus. In anno primo scholae mediae, docebitur logica et philosophia linguae; in anno secundo, ontologia, psychologia et cosmologia; in anno tertio, theodica, ethica et historia philosophiae. Praeterea, in singulis hebdomadibus, erit una hora catechismi superioris et apologiae religionis. Reliquae horas scholasticae aequabiliter dividantur secundum iudicium prudens Ordinariorum, cum consilio magistrorum, deputatorum et superiorum Seminarii, ut in aptis proportionibus sit studium mathematicarum, scientiarum naturalium, scientiarum physicarum, litterarum Italicae, Latinae et Graecae, et historiae civilis. In docendi litterarum, non neglegatur cognoscere optimos inter Patres et scriptores Christianos, Latinos et Graecos; et, prae omnibus, potius quam ad analysin philologicam, per legem et translationes et compositiones, discipuli formabuntur ad bonum gustum et ad exercitationem linguae quae student. Applicando hoc novum programma scholae mediae philosophicae, non erit iam necessarius annus propaedeuticus, qui, ideo, paulatim abolitur. 10. Generaliter, omnes discipuli gymnasii debent participare examini statali, et eum consequi antequam admittantur ad scholas mediae. Exceptiones ad hoc non sunt nisi in casibus rarissimis aetatis avanzatae, pietatis distictae et certitudinis vocationis; considerandum enim est aptitudinem consequendi licentiam gymnasialem ut probationem illius sufficiendiae ingenii quae requiritur pro ecclesiastico. Licentia mediae statalis non erit obligatoria pro omnibus; sed, potius: a) pro paucis quibus Ordinarii iudicabunt utile vel necessarium incipere studia universitatis statalis, ut ibi lauream in aliqua facultate consequantur; b) pro illis de quorum vocatione non sunt omnino certi. Ad omnes autem, ut admittantur ad theologiam, requiritur approbationem transeunti in examine interno anni tertii mediae. Sed, pro illis qui licentiam mediae statalis consecutus fuerunt, haec examinatio poterit limitari ad philosophiam, catechismum et apologiam religionis. 11. In theologia, habenda sunt pro materiis principalibus: dogmatica in variis suis partibus vel tractatibus, moralis, Sacra Scriptura, historia ecclesiastica.

[*Latin ed. p. 497*]

Sacred Congregation of Councils. 497 a) To the seminary, one hour shall be assigned each day of school, for all four years; and in this instruction, the scholastic method shall be followed, completed with the sound aids of modern scholarship in history and Sacred Scripture. To this daily hour of

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instruction, one hour of debate and another hour of review shall be added each week. b) In the school of morals, care shall be taken to impart also the fundamental notions of sociology, and the institutions of Canon Law shall be added. 7) For the study of Sacred Scripture, four hours of instruction shall be assigned per week, all of which, during the first two years, shall be devoted to the aforementioned introductory instruction, and during the last two years to exegesis. In exegesis, with regard to the Old Testament, the study of certain principal Psalms shall never be omitted, and with regard to the New Testament, the Gospels and certain Apostolic epistles. 3) In ecclesiastical history, care shall be taken that in the oral instruction and in the texts, the supernatural aspect is not neglected or omitted, which is the true, essential, and indispensable element in the annals of the Church, without which the Church itself becomes incomprehensible: and it shall be ensured that the narration of events is not separated from those high and philosophical considerations of which St. Augustine, Dante, and Bossuet were masters, which reveal the justice and providence of God among men, and the constant assistance given to the Church by the Lord. 12. To the secondary subjects, such as Biblical Greek, Hebrew, sacred eloquence, patrology, liturgy, archaeology and sacred art, and Gregorian chant, a sufficient amount of time shall be assigned during the four years of theology, so that the students may have a proper understanding of them, without being too distracted from the principal subjects. 13. The Ordinaries shall ensure that at least the instruction in dogmatic and moral theology, and, as far as possible, also that of philosophy, at least in general terms, is given in Latin. Furthermore, they shall be vigilant, either directly or through the rector of the seminary or the prefect of studies, to ensure that the teachers, within the time allotted to them, cover the entire material of the program, and that they do not linger in lengthy discussions on some point that is pleasing to them, even if it is important, to the detriment of the rest; considering those who do not adhere to these norms to be unsuitable for teaching. 14. In the textbooks used, the utmost care shall be taken to choose the most suitable and those of sound doctrine; excluding in the gymnasium and lyceum those that, although civilly approved, are less respectful of religion.

[*Latin ed. p. 498*]

498 Acta Apostolicae Sedis. - Official Commentary. Morality: And in theology, those who lacked the common consent, and especially that of the Holy See, for the security of the principles; but who entertained strange or dangerous ideas, contrary to the holy and venerable traditions of the Fathers, of the theologians, and of the Church in general. Furthermore, let the teachers take care to instill, not only piety, but also respect and love for the truths and the authority of the Church and of the Supreme Pontiff. Having been ordered according to these new norms, the discipline and the studies in the Seminaries, it is to be believed that, with divine grace, a clergy

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will be formed that is ever more worthy of its holy and sublime mission, for the sanctification of souls and for the greater glory of God. The Holy Father trusts that the Most Reverend Ordinaries, and with them all who have care of these institutions, which are so important a part of the hope of the Church, will put forth all their effort so that these norms may be put into effect in the best way and in the shortest time. Rome, from the Secretariat of the Sacred Consistorial Congregation, July 16, 1912. f G. CARD. DELAI, Bishop of Sabina, Secretary. NOMINATIONS OF BISHOPS. By brief apostolic letters, the following were appointed: July 1, 1912. — Titular Archbishop of Pharsalus and Coadjutor with right of future succession to the Archbishop of Melbourne, Most Reverend Daniel Mannix, president of the Maynooth College in Ireland. July 2. — Bishop of Syros, Reverend Antonius Macrioniti, canon of the metropolitan church of Smyrna.

[*Latin ed. p. 499*]

Sacred Congregation of Rites. 499. SACRED CONGREGATION OF RITES. Regarding matters concerning the conclusion of Matins and the beginning of Lauds, both in the Office of the Dead and during the Triduum of Christ's Death, in certain dioceses. A certain doubt, concerning the proper solution, was presented to the Sacred Congregation of Rites by several dioceses, following the publication of the new Psalter with the Divine Office, by means of an apostolic constitution. The doubt is as follows: Since in the Divine Office it is prescribed how Matins should be concluded and Lauds begun, when these are recited privately; the question arises: What is to be done in the case of the Triduum of Christ's Death, or in the Offices for the Dead? And the Sacred Congregation itself, after careful consideration of the report of the undersigned Secretary, decided that the following should be answered: In order to remove all doubt, in future editions of the Roman Breviary, on each day of the Triduum of Christ's Death, after the IX responsory, the following rubric should be inserted: "If Matins is separated from Lauds in private recitation, the following prayer is added: 'Look down upon us, we beseech Thee, O Lord...'". Then, Lauds are begun absolutely from the first antiphon, after the recitation of the Our Father and the Hail Mary in secret. Furthermore, in the Commemoration of all the Faithful Departed, after the IX responsory, the following should be added: "If Matins is separated from Lauds in private recitation, the following is added: 'The Lord be with you.' 'And with thy spirit.' Prayer. O God of the Faithful, grant them eternal rest. 'And let light perpetual shine upon them.' 'May they rest in peace.' Amen."

[*Latin ed. p. 500*]

500 Acta Apostolicae Sedis. - Official Commentary. Finally, in the Office of the Dead, both in the Breviary and in the Roman Ritual, before the Lauds, the following rubric shall be inserted: If the Matins, whether with one or

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three Nocturns, is separated from the Lauds in private recitation, after the last response, the following is added: "Dominus vobiscum." R. "Et cum spiritu tuo." Then the prayer (or prayers) is said, as for the Lauds, with the following added: "Deus, dona eis requiem aeternam." R. "Et lux perpetua luceat eis." R. "Requiescant in pace." R. "Amen." The Lauds, after the secret prayers of the Pater Noster and Ave Maria, shall absolutely begin with the antiphon "Exsultabunt Domino." And thus it was decreed and ordered to be observed, on July 24, 1912. Fr. S. CARD. MARTINELLI, Prefect. I, ffi S. f Petrus La Fontaine, Bishop of Charystien, Secretary. FALISCODUNEN. DECREE CONCERNING THE FOUNDRESS, SAINT PHILIPPA, AND THE SUPERIOR OF THE INSTITUTE OF THE PIAR TEACHERS, REGARDING THE VENERABLE SERVANT OF GOD, IN VIEW OF HER BEATIFICATION AND CANONIZATION. Lucia Filippini was born in the city and diocese of Cornetana, on January 13, 1672, to Philip and his noble wife, Magdalena Pichi-Falzacappa. After being orphaned at the age of six, she was taken into the care of her uncles. As she grew, she distinguished herself by her intelligence and piety, so that she was chosen by the parish priest to assist in the instruction of the catechism and to be a teacher of girls. Marcus Antonius Barbadicus, the bishop of Faliscoduna and Cornetana, who had already established a seminary in Montisfalisci for the instruction of seminarians, was also considering establishing another institution for the benefit of girls. Meanwhile, during a pastoral visit to Corneti, the sisters Lucia and Elisabetta Filippini, orphans, came to his attention, and moved by their condition, he placed Lucia in a monastery in her native place, and took Elisabetta to the monastery of St. Clare in Faliscoduna, so that she might be perfected in every good work and be instructed. When a virtuous man matured a plan...

[*Latin ed. p. 501*]

The Holy Congregation of Rites judged, in the Lord, that Lucy, having been tested within the cloister and found worthy, and having already been appointed as superior for the governance of a community of nuns, was exceedingly suitable to instruct young girls, both within and outside the cloister, in religion and virtuous morals, and therefore appointed her to lead a new diocesan work, the schools and college of the Ladies of the Pious Schools. With God's favor, the undertaking prospered and progressed so well that, with the approval of the local Ordinaries, the established work was extended according to its original form to neighboring dioceses. Indeed, even in the city of Rome, under the auspices of the most munificent Pope Clement XI, and through the care and diligence of the most eminent prelate, Alexander, brother of Bonaventure, and brother of Pompilius, who succeeded the Most Reverend Cardinal Barbadico as bishop, and under the guidance of the pious woman Lucy and her companions, houses and schools of the Ladies of the Pious Schools were established or restored from

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the year 1707. However, the Servant of God, after having found the urban houses and schools entrusted to her to be solid and well-established, was compelled by a certain necessity and by the desire to better promote the former school of Faliscoduno, and to establish other new ones both within and outside the diocese, and, with the good will and praise of the Supreme Pontiff, and with the congratulations of the citizens, although saddened by Lucy's departure, returned to Faliscoduno, leaving behind in all the best opinion of her prudence and charity. It is truly worthy of note that her Institute, from the Supreme Pontiffs up to the Blessed Pope Pius X, was protected by statutes and norms of common life, and enriched by special favors and privileges, and was under the jurisdiction of the Pontiff's Almoner, with due regard for the rights of the Ordinaries, and under the governance of the General Superior, and was extended from the motherhouse to gymnasiums and to other regions and dioceses, for the greater glory of God and for the Christian education of young girls, and, like a good and well-cultivated tree, has produced and continues to produce abundant and evident fruits. Finally, the Handmaid of God, through herself and through the Institute, deservedly earned the highest praise for her contributions to Christian and civil society, since she constantly taught young girls to fear God, to work diligently with their hands, and to follow the word and example. Having been tested by a grave and prolonged illness, she, having duly received the sacraments of the Church, and while encouraging her companions to sing sacred hymns, peacefully passed away on March 25th, in the year 1732, at the age of sixty, as she had desired, on the feast of the Blessed Virgin Mary, who was greeted by the Angel. The body of the Servant of God was carried to the cathedral church of Saint Margaret V.M. with great solemnity and a large gathering, and was honorably interred, with an inscription that begins: "Here lies the body of Lucy Filippini, an outstanding woman of piety," until, in the year 1858, she was exhumed and recognized by Bishop Aloysius Iona, and placed in a separate niche. The fragrance of virtues that emanated from the actions of Lucy during her life, after her death, has continued to endure over the passage of time, and grows more and more each day.

[*Latin ed. p. 502*]

502 Acta Apostolicae Sedis. - Official Commentary. The matter, which was gentle and widespread, gave rise to an inquiry by the Ordinary Tribunal of Faliscoduna, established on the basis of the reputation for sanctity of the Servant of God, and transmitted to the Sacred Congregation. Hence, at the urgent request of the Reverend Father Peter Tonarelli, Apostolic Protonotary and Promoter of the Cause, and through attentive letters from certain Eminences of the Holy Roman Church, Cardinals, numerous Roman Sacred Prelates, as well as Chapters, Orders, or Congregations, and from illustrious men and women, and also at the request of the General

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Superior and the Pious Masters of the Filippini, since nothing stood in the way of proceeding further, the Eminent and Reverend Lord Cardinal Franciscus a Paula Cassetta, Bishop of Tusculanus, of the same Cause, as Promoter or Relator, at the meetings of the Sacred Congregation of Sacred Rites, convened at Vatican on the designated day, proposed the following question for discussion: Whether a Commission should be appointed for the introduction of the Cause, in this case and to the effect of what is being considered? And the Eminent and Reverend Fathers entrusted with the safeguarding of Sacred Rites, after the report of the aforementioned Eminent Promoter, having heard the voice and the written opinion of the Reverend Father Alexander Verde, Promoter of the Holy Faith, after careful consideration by all, they judged it fitting to respond: Affirmative, that is, that the Commission should be appointed, if it pleases the Most Holy. On July 9, 1912. Subsequently, these matters were reported to the Most Holy Lord, our Pope Pius X, by the undersigned Cardinal Prefect of the Sacred Congregation of Sacred Rites, and His Holiness, approving the aforementioned decree of the Sacred Council, deigned to sign the Commission for the introduction of the Cause of the Venerable Servant of God, Lucia Filippini, Foundress and Superior of the Pious Masters of the Filippini, on the 10th day of the same month and year. Fr. S. CARD. MARTINELLI, Prefect of the Sacred Rites. h. j$j S. f Petrus La Fontaine, Bishop of Charystien, Secretary.

[*Latin ed. p. 503*]

The Roman Rota. 503 SACRA ROMANA ROTA TREVISO. MARRIAGE NULLITY (CABERLOTTO-BERENG-AN). Under the blessed reign of Pope Pius X, in the ninth year of his pontificate, on March 11, 1912, the Most Reverend and Most Learned Fathers Frederick Cattani, presiding, Anthony Perathoner, and Joseph Alberti, Auditors from Tournon, in the case of "Treviso. - Nullity of Marriage," at the request of the Defender of the Bond of the Treviso diocese, between Angela Berengan, represented by her legitimate procurator, Advocate Henry Pezzani, and Alexander Caberlotto, who was contumacious, and with the Defender of the Bond intervening and arguing in the case ex officio, rendered the following definitive sentence. Angela Berengan, daughter of John and Joanna Pontini, was born in Vallio, in the diocese of Treviso, on August 23, 1871. When she was eight years old, she was sent to the Canossian college in Treviso, so that she might be imbued with the best principles from an early age, and she remained there for six years, that is, until she was fourteen years of age. Then she returned to her paternal home, and shortly thereafter, at the urging of her mother, she was married to Alexander Caberlotto. For two years and more, they maintained amorous relations; finally, on November 26, 1888, when Angela had just reached her eighteenth year and Alexander Caberlotto had already completed his twenty-seventh year, the marriage

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was celebrated. But a few months later, Angela fell ill, and she was taken back to her paternal home by her own mother. Later, she returned to her husband, but again, being sick and, as she says, mistreated by her husband, she interrupted their common life and returned to her parents. There, she gave birth to a son prematurely, who soon died. Then her father came to see the child, but he did not even see his wife. Subsequently, Angela, at the urging of her father, petitioned the civil court of Venice and obtained a legal separation from her husband, and in 1909, having obtained the rights of Hungarian citizens and a civil divorce from a Hungarian court in the city of Fiume, she boldly entered into a legal concubinage with another man, from whom she also had children. Recently, the new parish priest of Vallio, doubting the validity of Angela's marriage to Alexander Caberlotto, entrusted the investigation of the matter to a certain evangelizer, who is an expert in canon law, who declared that marriage to be invalid, and referred Angela to the episcopal court of Treviso.

[*Latin ed. p. 504*]

504 Acta Apostolicae Sedis. - Official Commentary. ... and offered counsel. Finally, through a canonically instituted process, the tribunal of Tarvisiae, on July 11, 1911, declared the marriage of Angela ßerengan to Alexander Gaberlotto to be null, due to coercion and fear. However, an appeal having been duly interposed by the defender of the sacred bond, the case now comes before our Tribunal for judgment, under the question: Whether the nullity of the marriage can be established in this case. Although the doctrine of law is well known, which, especially drawn from chapters 13 and 14 of Book IV of the Decretals, concerns the coercion and fear that invalidate impediments, it will not be amiss here to briefly recall those things that are most pertinent to our case, and which may help to guide its resolution. Among all the Doctors, it is certain that fear always invalidates marriage, when 1° it has been instilled in order to extort the marriage; 2° it has been unjust, I mean in substance; and 3° it is grave, whether absolutely or relatively; even if it is only reverential (D'Annibale, Summ. Theol. Mor., Part III, n. 445). Indeed, "because marriage implies the perpetual servitude of a man, which can only be imposed with the willing and spontaneous consent of the person, according to the commonly accepted doctrine of St. Thomas" (Ursaia, Discept. Eccl., vol. IX, Part I, Disputation 38, n. 2). Therefore, a marriage contracted under fear is null, even if the one who contracts under fear truly gives consent, whether he knows that such a marriage is null, or whether he does not know; "for the Church, when establishing such decrees, does not presuppose that the person is lying and not conforming their words to their intentions; for, as St. Thomas says (Quaest. 47, art. I, and in IV Distinct. 29, art. I), the Church does not presume sin when its foundation is lacking. And even if the (spouse) does not give true consent, already from this point the

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marriage would be null, and thus (the Church) would not decide anything new. Therefore, consent, extorted by such fear, is considered insufficient for a valid marriage, just as consent given in secret is not considered sufficient for the matter or form of marriage" (Salmaticenses, cap. IX, De matrim., n. 3). Or, as Schmalzgrueber says (lib. IV, tit. 1, n. 392): "This consent is, by its very nature, invalid, which invalidates such marriages, not by presumption of a fictitious consent, but by the true consent itself." However, as the Rota holds, "marriage must depend on the will of no one and must be immune from any coercion" (Dec. 493, n. 30 seq., P. IV, and Dec. 242, n. 13, Dec. 346, n. 7, P. XIV, Rec), it follows that fear is unjust and constitutes an impediment when parents instill it in their children in order that they may enter into such a marriage. For, neither by divine law nor by ecclesiastical law, are children subject to the will of their parents in choosing a wife, nor are daughters subject to the will of their parents in choosing a husband.

[*Latin ed. p. 505*]

The Roman Rota has ruled that 505 cases must be followed. If someone asks what constitutes a truly grave fear, Alexander III (at the end of the chapter "De spons. et matrim.") and Innocent III (in the chapter "De his quae tri metusve causa etc.") respond that it is the fear that falls upon a steadfast person. However, since fear is nothing other than an emotional disturbance of the mind aroused by some danger, it imitates the nature of subjective modifications, which, not only from external causes, but also primarily from the greater or lesser virtue of souls, acquire greater or lesser strength and greater or lesser intensity. Therefore, the Doctors, by common consent, acknowledge that the same measure should not always be applied in the estimation of fear: "Indeed, three things," says De Becker (De spons. "et matrim., chapter III, page 63), "must be especially considered when the gravity of fear arises from the nature of the dangers and from the quality of both those from which those dangers originate, and of those who are said to suffer them; and 1° indeed, attention must be paid to the nature of the evil that was the cause of the fear; for it must be that the said evil is both grave and imminent, and that it cannot be easily avoided; otherwise, it may be an evil that is either physical or moral; it may threaten the contracting party himself, or even his parents and friends; for, in either case, the mind can be deeply affected; it may also be an evil that is grave absolutely speaking, or only relatively, considering the circumstances of the persons, place, and time; 2° attention must be paid to the person who instills the fear: indeed, the character of that person, his habitual manner of acting, the authority with which he is endowed, perhaps in the person experiencing the fear, and other circumstances, are of great importance in determining the influence of the dangers on the will of another; 3° finally, attention must also be paid to the very person who experiences the fear, to his sex, age, education,

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character, manner of living with others, and similar things. It is clear from this chapter that fear is sometimes to be judged as grave, which, for another, would be considered light." Therefore, Gasparri rightly says (De matrim., n. 941): "The imminent or future evil that is feared must be grave for that person who fears, that is, so that that person cannot easily bear it." And, as Panormitanus notes (in cap. Cum locum, de spons., n. 6): "In the cause of fear, the condition of the person must therefore be considered, so that, in the case of a woman, in order to invalidate a marriage, a fear is required that does not fall upon a man, but upon a steadfast woman. It must certainly be considered what a steadfast woman feared, considering the natural steadfastness of women, in whom there is a lesser strength of mind and bodily fortitude" (Cf. Bossius, De matrim., chapter 12, n. 22). In our case, it will be necessary to consider what a steadfast girl feared, considering the natural steadfastness of girls, because we are dealing with a girl of seventeen years. From this teaching, ACTA, vol. IV, n. 14. — 31-7-912. 38

[*Latin ed. p. 506*]

506 Acta Apostolicae Sedis. - Commentarium Officiale. Learned doctors rightly observe that even reverential fear can invalidate a marriage. Reverential fear is that which compels one to do or not do something out of fear of offending a person to whom one owes respect: for example, parents, a lord, etc. Indeed, if fear arises solely from reverence for parents or other elders, it alone is generally not sufficient to invalidate a marriage; but if due reverence is accompanied by reproaches, vexations, or threats, or by prolonged offense, or by harsh and persistent persuasions of a stern parent or superior to whom one is not accustomed to resist, such fear can be aroused, which so influences the mind of the son or subordinate that the son or subordinate, no longer considering the counsel of his superior, trembles and is compelled to resist the authority of another (Cf. Lessium, De iustit. et iur., lib. II, cap. 17; Sánchez, De matrim., lib. IV, disp. 1, n. 17; S. G. G. in Venet., 4 maii 1889; Santi, Prael. 1. G., lib. IV, n. 57; etc.). Moreover, even if threats and reproaches are absent, indignation alone may suffice, "which, if it is grave and prolonged, will not unreasonably be considered a grave evil, and therefore a grave fear" (Cf. D'Annibale, Summ., tom. I, n. 138, n. 16). And this applies not only to the girl, but also to the man: "For who," says Sánchez (De matrim., lib. IV, disput. VI, n. 14), "is there who, being steadfast and prudent, would not consider it a grave evil to always have an odious father or husband, or another from whom he depends and with whom he has always been associated? ... Persuasions and entreaties also take the place of compulsion and coercion, and they instill fear in a steadfast man, especially when they come from a father and other superiors" (Rota, coram Emerix, dec. 870, n. 7). Therefore, since the gravity of the fear cannot be determined with certainty, it must be concluded that, in external matters, the judgment regarding the gravity of the matter should be left to

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the discretion of the judge (Sánchez, lib. IV, disp. 5, n. 1). Especially since it often happens that causes which, when considered separately, would not be sufficient to produce a grave fear, when joined together can instill a fear sufficient to invalidate a marriage. From all of this, it seems that fear is difficult to prove, and that it can be considered sufficiently proven whenever supporting evidence and presumptions of law can generate in the mind of the judge a prudent persuasion and moral certainty regarding its existence; according to the teaching of Reiffenstuel: "For who here and now can say what constitutes a just fear... sufficient to invalidate an act? The quality and force of the evidence are left to the investigation and judgment of the judge" (Cf. Lib. decr., I, tit. 40, n. 79 et 80; S. C. C, in Tolentinatensi - Matrim., 17 aprii. 1869, Votum Canonistae). With these legal principles established, we now must turn to the facts of the case.

[*Latin ed. p. 507*]

The Roman Rota. 507. If, as we have indicated above, fear is to be considered not absolutely but relatively, it will be useful for us first of all to inquire into the character and morals of Angela, from the time when she was betrothed to Alexander, up to her marriage, and also of her mother, from whom it is asserted that the fear was instilled in the daughter, so that she would marry Alexander Caberlotto. Many here have recalled that Angela, when betrothed to Alexander, had not yet completed her fifteenth year of age; moreover, having recently left the convent of nuns, she was still a girl without experience, ignorant of the world and of the burdens that the sacrament of marriage entails; on the contrary, her mother was of a most vehement and violent character. This is most certainly derived from the witnesses. The witness, Roman Dall'Olio, who knew Angela very well, being her cousin, testifies: "The girl was afraid of her mother; she was timid, the mother was violent. The girl was good because she was young." The witness, Alexander Berengan, Angela's brother, testifies: "My sister was of excellent and very affectionate character, good, docile; indeed, she was so good that she often endured my outbursts. She was timid before everyone, and in particular, she trembled, as we all did, before her father and mother. She showed herself to be a true angel of comfort in the last years of my father's life, of whom she was a true nurse. I am certain that at that time Angelina was innocent, and, for my part, I can attest that she certainly did not know the burdens of betrothal, and even less of marriage; and this is due to her education, since she went from the Canossian institute to the countryside. My mother, although she adored us, was of a violent character, and sometimes resorted to violence against us. I note that in her life she always had a scruple for having forced her daughter to take this step. My mother was violent; and sometimes even with my father, but she never resorted to violence with him; she was not only tenacious in her ideas, but also in wanting what she wanted. I note that my mother had a strong

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influence over my father, who often remained silent and patient for the good of the family." The witness, Maria Rubinato Sernagiotto, who was Angela's companion in the Canossian college, responds to the judge's question as follows: "I have known Angela since the time of the college; I always considered her to be good, innocent, and honest; of a docile character even with her companions; and for me, she was timid. From the age of 8 to 17, we almost lived together, we were very close. As far as I remember, it seems to me that Angela's mother was absolute, and that she imposed herself on her children and on everyone else." The judge asked her whether Angela knew the obligations and duties of marriage when she celebrated her wedding; to which the witness replied: "Since these things were never discussed, I cannot say. However, I believe that she did not know."

[*Latin ed. p. 508*]

508 Acta Apostolicae Sedis. "Official Commentary. "Concerning the burdens of marriage, given her young age... The mother, "as I already said, was absolute." The witness, Mary Bernard, who was the wife of the deceased brother of Angela, testifies about her: "She was a simple girl, a little delicate, good, without malice, due to her education." Regarding her mother-in-law, she says: "She was of a choleric character, violent, she imposed herself, and she had control of the family. The husband "was good, perhaps to have peace in the house. He had much regard for his mother-in-law." And again, about Angela: "I believe that at that time she was incapable of asserting anything for herself, and I knew her to be truly good." The witness, Lina Berengan-Miolio, Angela's sister, testifies about her: "She had a strong temperament, stubborn; she was naive, a true child... "I sometimes went to her house, when Caberlotfo was courting my sister, because I was married. My sister was a child, and, having come from the college to the family, she could know nothing; they presented Caberlotfo to her as her first suitor, but I do not know who presented him to her." When questioned by the judge as to whether her sister Angela understood the obligations of marriage at that time, she replied: "I am sure that at that time she did not understand anything, nor could she understand anything, so naive was she." Regarding her mother, she said: "Towards us, she was affectionate; she was of a stubborn character, and, when she wanted something, she wanted it." The witness, Charles Miollo, Angela's brother-in-law, testifies about her: "I am her brother-in-law and I have known her since she was a child... She was naive, simple, a true child; she had a somewhat difficult character, but otherwise, she was good." Regarding her mother, he said: "She was a little strong, she dominated in the family." The groom himself, Alexander, who other witnesses have reported about Angela's character, fully confirms: "I can only repeat what the other witnesses have said." The testimonies of two of Angela's friends follow, who, living together in the family of her brother while Angela was being betrothed to Alexander, should know all

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the circumstances well. Mary Berengan, the brother's daughter, says about her: "She was always good, gentle, kind to everyone, lively in character, naive, a true child; she was always with me here in the house... "Outside of the college, she was lively, naive, in short, a model girl. "As far as I know, I believe that she was not in a position to understand either the marriage or the burdens of marriage." Regarding her family, she says: "Her mother had an absolute character; no one went before her, so violent was she. I myself and the whole family have suffered because of her violent character; even my brother, who was also energetic, yielded to the bride, for the peace of the family." The other friend, Regina Berengan, or about Angela, or about her mother, says almost the same things. About Angela: "She was good, naive like a barn..."

[*Latin ed. p. 509*]

The Roman Rota. 509 "She was so good... she was a child, barely out of the 'school'. I believe she could not understand anything about the duties and obligations of marriage. For Angelina, one thing was like another." Regarding her siblings: "She was all fire and violence; and when she wanted something, she had to get it, even if it was wrong; she had to go that way. Everyone had to give in, otherwise terrible scenes arose. I, too, have had many sorrows from this woman." The witness Adamus Volpato, who is now a parish priest in Vallio, knew the mother of Angela, and reports about her: "I can attest that the mother was energetic, and even in my presence, I noticed that everyone was afraid of her." Ioannes Caberlotto, brother of Alexandri, the last witness called, confirms the testimonies of others regarding Angela: "...I knew her as a good girl, rather of a timid character; good and religious, at that time, because, after, relations were broken." Having learned about the character of the actress and her mother through these testimonies, it is now necessary to determine whether Angela entered into the marriage with Alexandri Caberlotto of her own free will, or whether it was imposed upon her by her mother; and then, what means were used, so that we may better judge the extent of the fear or coercion. Angela herself recounts: "...I accepted the promise under duress; because the promise of future marriage was made by my father and mother, and from them I learned that my marriage had been decided, but after a year and three months of courtship. However, I did not tell Caberlotto directly that I would marry him, because I did not even have the courage." When asked by the judge what she had responded to her parents' proposal, she said in her Venetian dialect: "I replied: 'I don't want to, because I don't like him'; and they told me: 'Try to get to know him, and you will see if you will like him, and if not, we will leave it.'" She continues: "I did not know the legal force of the promise of marriage; I accepted the promise, intending to free myself later. I did not know the duties and obligations of marriage, and indeed, I believe this was my fault, not to have been informed of the marital duties." Then:

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"I avoided being near him everywhere, because I hated it. My father lost interest in the matter, but my mother insisted that I must marry him; and since she had a violent temperament, she did not listen to even various people who intervened to free me; but she replied: 'Either you marry him, or no one else.'" All the witnesses agree with Angela. Romanus Dall'Olio: "I know, from my own knowledge, that it was her mother who wanted Angela Berengan to marry Caberlotto, and she took her, as a young girl, to where Caberlotto was, so that he would fall in love with her and vice versa. I know..."

[*Latin ed. p. 510*]

510 Acta Apostolicae Sedis. - Commentarium Officiale. "The Caberlotto, from the time he began to show affection... is very wealthy... " He was not a handsome man; indeed, for this reason, the young lady did not desire him. "He was very much in love with the young lady. I know that the young lady did not want him at all; I saw her myself weep on several occasions, and I was present at frequent arguments with her mother, who was angered. "I heard with my own ears the mother say to her: "I do not want that man, I am not happy, I am marrying him to avoid causing trouble." I note that the mother was forceful. I know that the young lady fled, because it was all a matter of contention; the mother told her: "I want you to marry him." I am certain that the mother desired this marriage for reasons of self-interest, saying: "I want you to marry him, because I have married another of mine to a poor man..." When the Caberlotto came, Angelina Berengan was forced to go to him, in order to avoid arguments with her mother."

Witness Alexander Berengan: "I was at the Vanzo college in Milan, and I learned that (his sister) had become engaged to the Caberlotto, but I knew that she did not consent to the marriage, and I learned this when I came to the family on leave." Regarding Alexander, he says: "He was a man who was always closed in his house and therefore rough, while his sister, who was much younger, was of a very different nature. The difference in education was also very noticeable." Then he indicates the causes of the marriage: "The continuous insistence, not only of the mother, but also of others in the family; for example, the aunt often told her: "Go, marry him to please your mother, to avoid having hell in the house, and also because he is wealthy." I heard the sister several times say that she did not want the Caberlotto; and I heard that she wept and despaired."

Witness Maria Rubinato Sernagiotto: "From what I understood from others and from a collection of things, the mother wanted that marriage for self-interest, that is, for the position of the daughter."

Witness Maria Bernardi: "The young lady Berengan never showed affection for the Caberlotto, because, as far as I knew, she showed affection for a relative of mine. The Caberlotto was an honest, good man; he was a little interested in material things, but not excessively. For us girls, he was not

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very appealing. It seems to me that Gina entered into the marriage with the Caberlotto perhaps as a result of some pressure from her mother, and more out of a lack of understanding, without fully comprehending the situation." Regarding the reason why the mother imposed this marriage, she says: "It seems to me that it was because the mother believed that it was a good match."

Witness Carolus Miollo: "I am certain that Angelina was not in love with the Caberlotto. Angelina, openly, did not ask for my help to be freed from the marriage; she did speak to me about her lack of affection; and I understood this myself, without her telling me."

Witness:

[*Latin ed. p. 511*]

The Roman Rota. 511 Maria Berengan: "If this (Angela) had been free from any constraint by her mother, I believe that Angelina would not have married the Caberlotto; for he was also aware of the matter, as was Angelina, but the marriage was almost a formality. The fiancé came every eight or ten days to see her, but Angelina, when he came, went to bed; and then she was forced to get up and stay with him for some time. The Caberlotto noticed this lack of affection from Angelina; indeed, during that year and a half, he never once stayed for dinner with us, although something was prepared for him. He recommended himself to me (Angela), so that I might free her from this marriage, but since I was also a daughter of a family, I could not influence the feelings of my sister-in-law. The girl often told me: 'This young man does not please me, and he is not sympathetic to me.' Not even her poor brother Paolo, who had some influence, could do anything about it, let alone I. However, I often told Angelina that she should adapt for the sake of family peace. Indeed, I told her: 'Go, you will not be held responsible for what you will do, nor for the consequences.' I explain her antipathy towards the Caberlotto because she had many admirers, much more attractive than the Caberlotto, who was older, of an unsympathetic character, which did not suit her. Even the companions who came to the house laughed and joked about the Caberlotto. At the table, many times it was said: 'Angelina, do you love this little loaf of bread more than the Caberlotto?' and she replied: 'More than the loaf of bread.' Then Regina Berengan, concerning Angela, also reports: 'She was also pushed against her will; indeed, when the Caberlotto came to see her, and we told her to go, she replied: 'You go, I do not want to go.' Many times she confided in me that she could not 'swallow' him.' Now, concerning the ways in which the mother pushed her daughter towards marriage. Angela herself recounts: 'Once, three or four months before the marriage, I left him, because, when I saw him, he made me feel ill. The Caberlotto left the house in anger; I told my mother that I had left him; then a violent scene arose; my mother became furious; I fled to the room of my brother, and I locked myself inside

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with my brother and sister-in-law, to save myself from my mother; she broke the latch of the door, entered, and pushed me, grabbing me by the chest; I fled to a recess, and locked myself again. Note that it was winter, and I was in my chemise, so that, because of the cold and the fear, I fainted, and I was helped by my brother. The aunt, who tried to restrain the mother, received a slap from her. Before causing this scene,..."

[*Latin ed. p. 512*]

512 Acta Apostolicae Sedis. - Commentarium Officiale. "He said to me: 'Either you marry him, or I will throw you out the window'; this caused me great fear; indeed, he threatened the same thing on other occasions. I resumed my affection, following the entreaties of my aunt and all the others, in order to avoid discord in the family. I was compelled to write again to Caberlotto a letter, dictated to me by my sister-in-law, in the presence of my mother and aunt, while in my heart I harbored fear for my mother and a greater antipathy towards Caberlotto... My aunt quarreled with my mother once concerning my case; indeed, my aunt said to me: 'Now you must adapt yourself to marrying him, for the sake of family peace.' I resigned myself, for the sake of family peace, to the marriage. There was no parish priest, but a certain Malo, chaplain of Rovarè, an old man, came; he made no examination, he only made the announcements." The judge adds: "The priest appointed to the parish, the see being vacant, was old and of little understanding." With these things that Angela recounts, the witnesses agree more or less. Alexander, her brother, says: "I cannot say anything about the beginning of the engagement, because I was absent; but I heard very clearly of violent scenes, when he returned home, between my mother and sister; because my mother wanted Angelina to marry Caberlotto, and my sister did not want to. And I know that my sister expressed her aversion to others and to Caberlotto himself. I also remember that the servants of the house lamented the condition of my sister; but I could not fully understand the matter, being young and frivolous. I heard in the house that my poor brother Paul tried to defend my sister and to make peace." Maria Rubinato Sernagiotto testifies: "Once I was in Vallio, on the occasion of a marriage of a relative, and I know that the Berengan family sent for me to their house; and when I arrived, the mother of Gina sent me to the room, because the girl was weeping; I believe because before that, a violent scene had occurred. I was then told by others that Gina was weeping because she had been beaten by her mother, because she did not want to go through with the future marriage with Caberlotto. I note that Gina was not enamored of Caberlotto. The young woman, although she was fond of me, after the engagement, never spoke to me about it; I believe perhaps because her own pride was offended by this unpleasant engagement." Maria Bernardi says: "I remember a more serious fact, namely, that Gina did not feel affection for Caberlotto, and, having returned home once from Monastier, she wanted

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to break off the engagement with Caberlotto; then a violent scene arose with her mother, who did not want the marriage to be broken; Angelina came to my room, very frightened and weeping, and slept in my room; my husband was also there, and, to tell the truth, all three of us..."

[*Latin ed. p. 513*]

The Roman Rota. 513 "They were frightened; I recall that the mother was knocking at the door to let out the 'daughter.' Everyone in the family said that it was not a marriage that 'would work,' because Gina did not have any affection for Caberlotto. The day after, following the suggestions of an aunt who was in the house, Angelina asked me to help her write to Caberlotto, and I then told her what she should write, declaring to her that I was not assuming any responsibility for this matter. The mother often said, for even the most trivial things: 'I will throw myself from the balcony.' This was not the only instance of the mother's violence towards her daughter; indeed, the same witness says: 'Sometimes she presented true scenes with the daughter regarding her marriage to Caberlotto.' Maria Berengan also reports: '... I remember that when the girl was being prepared, the mother kicked at the door to try to break it down, and on that occasion she wanted to slap me; I then left for a few hours, everyone insisted that I return; I only agreed on the condition that the sister-in-law, mother of Angelina, ask me for forgiveness in the presence of all the servants, which she did. My brother was absent; he was in Milan. This violent scene occurred because Angelina had freed Caberlotto, and did not want to write to the fiancé anymore. The sister-in-law often went up to the top floor and threatened to throw herself down. These scenes were continuous, to the point that even the servants told me: 'Why don't you prevent that poor young lady from being so mistreated by her mother?' Angelina was very religious, in the true sense of the word. The daughter fled to her brother's room, and stayed there all night. I often heard the girl shouting and crying; the mother would reproach her, and then go to the other extreme, and give her kisses and everything she desired.' Regina Berengan: 'The mother greatly pressured the daughter into this engagement with threats and moral arguments. I was present at so many scenes that the mother created, because she wanted this marriage. Those in the house tried to dissuade the mother from this violence, but she would have convulsions, shout so much that everyone would give in, even the husband. She also threatened to throw herself from the window. She remained with a long face with the daughter for entire days, because of her opposition to the marriage with Caberlotto.' Now, it remains to be investigated whether Angelina experienced violence or fear only at the time preceding the marriage, or also during the marriage itself. Let us hear this first from her, then from the witnesses. Regarding what immediately preceded, what happened during, and what followed the marriage, Angelina says: 'I did not even hear the banns, because I was

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going to Mass in Rovarè; that time was a time of melancholy for me, but I did not understand the bond of marriage. I...'

[*Latin ed. p. 514*]

514 Acta Apostolicae Sedis. - Commentarium Officiale. "And I went to confess and to receive Holy Communion, and I prayed to the Lord that He might 'make me find happiness in marriage.' The dowry was prepared by my mother, since I was still young. I said 'yes' with my mouth, but not with my heart, for I did not love him, and therefore, I was compelled by fear. Some said that my 'yes' was barely audible. Others, seeing me, felt pity, regarding me as a victim... Then I went to the town hall for the civil ceremony, and there too I showed reluctance; there also I uttered a 'yes' so faint that the mayor, Radaelli, said, 'Such a faint 'yes' that I almost didn't hear you...' We went to the station of St. Biagio, and there a scene arose with my father, because I did not want to leave with Caberlotto, since I did not love him, but my father said to me, 'Go, go, what do you want to do? Go, try, or you will return home.' Witness Dall'Olio: '...She (Angela) entered into the marriage to appease her mother, and to avoid conflicts within the family.' Alexander, her brother, to the judge: 'What impression did you have on the day of your sister's wedding? Did she seem happy, or was she pretending to be a victim?' He replied: 'I was absent at school in Milan. I heard in general that it was not a joyful celebration, as is usually the case on wedding days. I heard that, at the station of St. Biagio, my sister had a violent outburst, and she did not want to leave, due to her affection for her family and her aversion to Caberlotto. I believe that she went to the altar as a victim.' Witness Maria Bernardi: 'On the day of the wedding, I noticed indifference on the part of Angelina, who was going through with it lightly.' Witness Lina Berengan: 'On the day of the wedding, I heard from others that my father said to her, 'Go there, and if you don't find happiness, you will return home.' Witness Maria Berengan, questioned by the judge as to whether Angela was forced to celebrate the marriage, replied: 'I say yes, to the point that it was her father who accompanied her to the altar, not wanting her to go with the groom. She left home as if she were dead; I saw it with my own eyes; she was crying in front of everyone, and she did not even look at the groom. Even those at home were saying, 'This is a marriage that will not work, because she does not love him.' Her father said to her on the day of the wedding, seeing her lack of composure, 'Go, if you don't find happiness, you will return home.' Finally, Regina Berengan, answering the same judge, said: 'I affirm with certainty that my daughter went to the altar as a victim, to avoid violent scenes with her mother, and to do the will of her mother... She left home crying, but I do not know anything else, because I was not present.' This coercion, which Angela suffered from her mother, was also publicly known.

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Thus, witness Maria Rubinato Sernagiotto testified: '...It was said...'

[*Latin ed. p. 515*]

The Roman Rota. 515 "In general, she did not have the strength to resist her mother, and to assert 'her will, not to marry Caberlotto.' The parish priest, Adam Volpato, himself asserts: 'The general idea is that the marriage was 'forced,' and everyone blames the mother, who ruined her daughter, pushing her into a marriage that was against her nature; and now it is said that 'the mother first pushed the daughter onto the wrong path, and now she was pushed onto the path of ruin.' Indeed, the mother herself, after the unfortunate outcome of her daughter's marriage, tormented by the goads of conscience, lamented the force she had used. The witness, Alexander Berengan, testified this very thing about the mother: '...the mother 'often wept, thinking about the conditions to which her daughter had been condemned." Maria Bernardi testified about the mother-in-law: 'After the marriage, the mother 'almost tried to break it up; I cannot say 'why.' After the marriage, there were many scenes between the mother-in-law and the son-in-law, and this, I believe, was due to ideas, on the part of my mother-in-law, that were 'too high." But the parish priest, Volpato, when asked by the investigating judges, 'Did the mother 'show herself to be repentant for having pushed her daughter into an unwanted marriage?' responded: 'Seeing that the daughter had been wronged, she showed herself to be 'very sorrowful until the end of her life, and this is my certain knowledge." Therefore, here we are dealing with a young woman, recently emerged from a convent, of a gentle, but good, sweet, timid nature, who was first enticed into marriage by her mother, and then pushed, with a stern look, threats, and even with beatings, and also with the advice and prayers of other family members, so that the mother's anger might be appeased. This is affirmed by so many testimonies that it cannot be doubted, unless we wish to deny the credibility of the witnesses, which is not permitted to us, since the records show the contrary. If, however, you compare what we stated earlier in law, with what we have here in the facts, it will be permissible to conclude that Angela suffered a serious force or fear, both before the marriage and during the marriage. The discordant accounts, which are sometimes found in the records here and there, do not matter, either because they are from witnesses who say that they were not well-disposed towards Angela, or more because they do not agree with each other, nor with many other witnesses. Such are the spouses, Lina and Charles Miollo. Lina, although Angela's sister, had already left the family home when Angela was betrothed to Alexander Caberlotto. And therefore, it is not surprising if she did not know the facts well. Nor is it clear how what she testified coheres: 'I can say that she 'was influenced, but not forced by her mother. My sister often 'rebelled, talking to me and also to my husband, about this marriage, but I do not think she was 'violently' pressured.' Even

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more, she also testifies that she heard from others that the father, on the day of the wedding,

[*Latin ed. p. 516*]

516 Acta Apostolicae Sedis. - Official Commentary. He said: "Go there, and if you do not find [what you seek], you will return home." Then, both the woman herself, and her husband Charles, openly asserted: "Our relations with Angelina are not cordial, for various reasons." The judge of the court of Treviso, after Charles's testimony, added this note: "The tribunal noted that from the entirety of the witness's testimony, it is clear that this person, out of fear of implicating himself, said very little, and greatly mitigated the facts, regarding the deceased parents of Berengan; indeed, upon leaving the hearing, he said that he was glad, because he hoped that his testimony had neither favored nor prejudiced the case." Nor is it unusual for some witnesses to testify only from hearsay. Indeed, the process concerning the validity of this marriage was instituted twenty-two years after its celebration; during that time, several witnesses died who would have been most useful in this case if they were still alive: namely, the parents of the actress, as well as her brother Paul. But truly, there are witnesses who testified from personal knowledge, such as Maria Bernardi, Maria Berengan, and Regina Berengan, the former being the sister, and the latter two, nieces of Angelina; and, in some respects, even her brother Alexander. Furthermore, the testimonies of all are confirmed by the reputation of the neighborhood, which in these matters is a valid argument. Nor is it to be said that the revalidation of this marriage could have followed from a union, freely entered into, by Angelina. For, 1st, Angelina at that time certainly did not know of the nullity of her marriage, and therefore the intention to revalidate it could not have been present in her; 2nd, the impediment was publicly known, and therefore the marriage could not be properly confirmed, except with repeated consent before the parish priest and two witnesses, according to what is decreed by the Holy Penitentiary, with the authority of Saint Pius V (Cf. Benedict XIV, quaest. can. 317, and Inst. Eccl., 87, n. 62), and according to the practice of the Sacred Congregation of the Council, as well as of our Tribunal (Cf. Sacred Congregation of the Council, in Palermo, Null. matr., of September 30, 1719, and the decision of the Sacred Roman Rota in Veszprém, before Lega, of June 2, 1911; Gasparri, De Matrim., n. 1399). Nor should the objections raised by the defenders of the sacred bond be dismissed. Thus, if the actress initiated the case concerning the nullity of her marriage only twenty-two years after the marriage, this does not diminish her right; rather, the more probable reason why she did not initiate an ecclesiastical trial sooner is that which is offered by the parish priest Adam Volpato, who was investigating this matter: "I believe that Angelina, at first, did not think of anything else, being with her parents and having no other suitor, and also not considering that

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the sudden violence was a reason to invalidate the marriage." Similarly, if the time of the betrothal was prolonged longer than usual, this probably occurred because of the girl's excessively young age. Discrepancies.

[*Latin ed. p. 517*]

The Roman Rota. However, among the witnesses concerning the events, there are not substantial facts, but rather circumstances that are only marginally relevant to our case. Furthermore, what is surprising if, after twenty-two years and more, all the witnesses do not accurately recall family matters? However, the testimonies that demonstrate fear should be considered separately, because they explain and corroborate each other. Moreover, the defender of the sacred bond wishes to deny the actress's sincerity. But the witnesses (and even those who confess not to having a favorable disposition towards her) affirm that she is worthy of belief. However, in cases concerning fear, the authors teach that the sworn testimony of the one who experienced the fear should be given the greatest weight (cf. Pignatelli, Vol. I, Cons. 4, n. 9; S. C. C, in Valentina Profess., 1773; Gaspard, De Matrim., n. 954). But even if we wish to deny Angela's sincerity, it is still evident from the testimonies that fear was present. A significant and truly serious difficulty arises from the letters that Angela wrote to Alexander before the marriage, which Alexander presented in court. However, the Reverend Fathers have judged that this is not sufficient evidence to demonstrate the absence of fear; 1° because only thirty-six letters were presented, while Angela admits that she wrote to Alexander Caberlotto every week during the engagement period; and Alexander affirms that he still has all the letters received from Angela. If, however, this period exceeded two years, the love letters written by Angela should have numbered more than one hundred. Why, then, did Alexander not present them all, but only those that he chose to present? 2° because it is certain from the records that Angela wrote more letters, dictated by her sister-in-law, Mary Bernard. Angela herself asserted this when the judge showed her the letters produced by Alexander: "I wrote these letters under the dictation of my sister-in-law, Mary Bernardi-Bon, who often wanted me to write affectionate phrases, and when I refused, saying, 'I don't feel like saying that,' she would say to me, 'Come on, write it this time.' Furthermore, everyone can see that these letters do not contain overly affectionate phrases." Mary Bernard does not contradict this: "... sometimes Gina would say to me, 'Help me write, because I don't know what to write,' and I often helped her, but always freely." How many and what kind of letters did Mary dictate to Angela? There is a strong probability that these letters were filled with Angela speaking of love (which, however, was lacking in her heart). Finally, if Angela entered into the marriage under the influence of fear, it is not surprising that she also did everything related to it as means to an end; and therefore, if the

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end is flawed, the means must also be considered flawed. This must be said not only about the letters, but also about the other signs of affection that preceded the marriage.

[*Latin ed. p. 518*]

518 Acta Apostolicae Sedis. - Commentarium Officiale. such as gifts, kisses, etc. It must be said that the letters which Angela wrote to Alexander after the marriage do not, in fact, prove anything. Indeed, since she did not doubt the validity of the marriage, she tried to show affection to her husband, but this, since it was not from the heart, lasted only a short time. In fact, if anything can be inferred from these letters, it is that the person who wrote them was not the same one who had written others before the marriage; thus, above all, the style and language are neglected! Furthermore, the defender of the sacred bond argues that not all the witnesses presented by the plaintiff were favorable to him, nor was it permissible for him to reject them, unless there was a new reason, which is lacking here. We grant this; however, it is up to the prudent judge to assign the proper credibility and weight to each testimony, and certainly not all witnesses brought forward will have the same authority. It must also be denied that, at the time of Angela's marriage, two witnesses presented by her, and these of great importance, namely her brother Alexander and Mary Rubinato Sernagiotto, were not yet of age. Indeed, Alexander, born on August 2, 1873, was already 15 years old at the time of his sister's marriage; Mary Rubinato was then 16 years old. Furthermore, it is appropriate here to mention what Gasparri says about the proof (fear): "Proof (fear) is difficult, both on the part of the 'patient,' when it is hidden in his mind, and on the part of the one who inflicts it, when it is inflicted secretly and in secret... especially when it is inflicted by the father living with the daughter, and therefore lighter proofs are sufficient..." (Rota, dec. 326 coram Ludovisio). But it is not impossible; and it is present "when such witnesses, conjectures, and supporting evidence are combined, so as to create moral certainty in the judge. Therefore, it is not surprising if witnesses are admitted who would not otherwise be admitted, and if suitable ones are called, as noted in the final chapter on witnesses by the Glossa. Hence, even domestic servants, and even blood relatives and parents of the one who is experiencing fear, are admitted. Thus, folium S. G. G. in Lucerina, Restii, et integr., March 26, 1768, § Clare" (De matrim., vol. 2, n. 954). Maschard adds: "The Doctors establish this conclusion, that two witnesses who testify about fear are to be believed more than a thousand who deny or affirm free will... for those who testify about fear, concerning the spontaneous, so to speak, will, testify about the mental and invisible act which is known only to God; while others who testify about fear, attest to threats and torments and similar things which are perceived by the senses of the body... This opinion is to be considered true, even

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if only one witness testifies about fear, because it is to be believed more than a thousand who deny it or affirm free will" (Cfr. Maschat, de probat., conci. 1057, n. 1, 2, 5). Given these circumstances, no one can affirm, in this case, that it has not been sufficiently proven that if Angela...

[*Latin ed. p. 519*]

The Roman Rota. It could not reasonably be feared that she had not obeyed the will of her mother, when she saw her mother acting towards her with displeasure, with a frowning countenance, and speaking harshly, and moreover, when she heard her uttering reproachful words, and even experienced blows and stripes inflicted upon her; and all these things, (as the Clericatus decrees, section 37 on marriage, paragraph 24) are considered to be grave and unbearable evils for a son. Therefore, who would say that in Angela, a full and deliberate choice was not excluded, and consequently, that she did not possess that liberty which Alexander III requires in contracting marriages (chapter XIV, on betrothals)... "Lest the spouse should say that she consents to what she hates, out of fear?" Having carefully considered all of these things, both in law and in fact, and invoking the name of Christ, We, the undersigned Auditors of Tournon, sitting for the Tribunal and having only God before our eyes, decide, declare, and definitively pronounce, answering the proposed question: Affirmative, that is to say, that the marriage is null in this case. We decree that the expenses of the proceedings shall be borne by the plaintiff. Thus we pronounce, ordering the Ordinaries of the places and the officials of the tribunals to whom it pertains, to order the execution of this our definitive sentence, and against those who resist, to proceed according to the sacred canons, and especially chapter 3, session XXV of the Council of Trent, using those executive and coercive means which may be more effective and appropriate for the circumstances. Rome, in the seat of the Tribunal of the Holy Roman Rota, on the 11th of March, 1912. Frederick Cattani, Presiding. Anthony Perathoner. Joseph Albert. Sac. T. Tani, Notary.

DIARY OF THE ROMAN CURIA. HOLY CONGREGATION OF RELIGIOUS. HONORS. By decrees of the Holy Congregation of Religious, the Holy Father has deigned to grant the personal privilege of the Magna Capa:

March 5, 1912. — To the Most Reverend Father Norberto Schachinger, Abbot General of the Premonstratensian Order.

April 20. — To the Most Reverend Father Gummaro Crets, Premonstratensian Abbot of the abbey of Averbode.

[*Latin ed. p. 520*]

520 Acta Apostolicae Sedis. - Official Commentary. SECRETARY OF STATE. • "BY NAME. • By Breves from the Secretary of State, the Holy Father deigned to appoint: Apostolic Protonotaries, as if participating: July 4, 1912. — The Reverend Ferdinando Belay, of the archdiocese of

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Zagreb. — The Reverend Giuseppe Lang, Canon of the Metropolitan Archdiocese of Zagreb. — The Reverend Domenico Premus, Canon of the Metropolitan Archdiocese of Zagreb. HONORS. By Breves from the Secretary of State, the Holy Father deigned to bestow the following honors: The Grand Cross of the Order of St. Sylvester: July 18, 1912. — To Mr. Stanislao Mugwanya, Minister of Justice and Regent of the Kingdom of Uganda. The Commander of the Order of Pius: July 12, 1912. — To Dr. Emilio Pestalozzi, of the diocese of Basle. The Commander of the Order of St. Gregory the Great, civil class: July 10, 1912. — To Mr. Dr. Francesco dei Conti Panciera di Zoppola, of the diocese of Concordia. July 11. — To Mr. Giovanni Tommaso Wancura, of the archdiocese of Vienna. The Knight of the Order of St. Gregory the Great, civil class: July 13, 1912. — To Mr. Gustavo Dufour, naval engineer, of the archdiocese of Genoa. — To Mr. Mario Palau, of the same archdiocese. July 19. — To Mr. Alfeo Motheau, of the diocese of Châlons-sur-Marne. July 23. — To Mr. Baron Giuseppe de Crawhez, Mayor of Spa, of the diocese of Liège. The Knight of the Order of St. Gregory the Great, military class: July 8, 1912. — To Mr. Giorgio Moeser, officer in the Prussian army at Darkehmen. The Knight of the Order of St. Sylvester: July 11, 1912. — To Mr. Teófilo Melieher, painter and member of the Commission for the preservation of ancient monuments in Vienna. July 13. — To Mr. Professor Giuseppe Colombo, of the archdiocese of Genoa. July 15. — To Mr. Domenico Fanelli di Forino, of the archdiocese of Salerno.

[*Latin ed. p. 521*]

Year IV. - Volume IV. August 16, 1912. No. 15. ACTA APOSOLICAE SEDIS. OFFICIAL COMMENTARY. PAPAL ACTS. POPE PIUS X. ENCYCLICAL LETTER. TO THE ARCHBISHOPS AND BISHOPS OF LATIN AMERICA, CONCERNING THE ALLEVIATION OF THE MISERABLE CONDITION OF THE INDIANS. PIUS. TO OUR VENERABLE BROTHERS, THE POPES. GREETINGS AND APOSTOLIC BENEDICTION. Moved by the lamentable condition of the Indians in the region of Lower America, Our Predecessor, the illustrious Benedict XIV, earnestly addressed their cause, as you know, in the Letters *Immensa Pastorum*, dated December 22, 1741; and because what He deplored in writing is, in many places, still deplored by Us, therefore, We carefully recall your attention to those Letters. For there, among other things, Benedict laments that, although the Apostolic See has long striven to alleviate the afflicted condition of these people, "there are still those who, as if forgetting the orthodox Faith, which, as dear to Our hearts as it is diffused by the Holy Spirit, has been deeply ingrained in them, deprive the poor Indians not only of the light of Faith, but also of the sacred benefits of regeneration; or, presuming to act with such inhumanity, they either reduce them to servitude, or, as if they were slaves, they sell them, or deprive them of

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their possessions."

[*Latin ed. p. 522*]

522 Acta Apostolicae Sedis. - Commentarium Officiale. "tantur, et ad odium habendam maxime obfirmentur." – Quae indignitas, et quae est pessima, id est, servitus proprii nominis, paullatim postea, Dei misericordis munere, de medio pulsa est: ad eamque in Brasilia aliis regionibus publice abolendam multum contulit materna Ecclesiae instantia apud egregios viros qui eas respublicas gubernabant. Ac libenter fatemur, nisi multa et magna rerum et locorum impedimenta obstitissent, eorum consilia longe meliore exitu habitura fuisse. Tametsi igitur pro Indis aliquid est actum, tamen multo plus est quod superest. Equidem, cum scelera et maleficia reputamus, quae in eos adhuc admitti solent, sane horremus, et summa quoque calamitosi generis miseratione afficimur. Nam quid tam crudelem et barbarum, quam levissimis saepe ob causis, nec raro ex mera libidine saeviendi, aut flagris homines laminisque ardentibus caedere; aut repentina oppressos vi, ad centenos, ad millenos, una occidione perimere; aut pagos vicosque vastare ad interectionem indigenarum: quorum quidem nonnulli, ut audivimus, paucis annis prope esse deletos? Ad animos adeo efferandos plurimum sane valet cupiditas lucri; sed non paullum quoque valet caeli natura regionumque situs. Etenim, cum subiecta loca sint austro aestuoso, qui, languore quodam venis immisso, nervos virtutis tamquam elidit; cumque a consuetudine Religionis, a vigilantia Reipublicae, ab ipsa propemodum civili consortionem procul absint, facile fit, ut, si quin non prudentia moralis illuc advenerint, brevi tempore depravari incipiant, ac deinceps, effractis officii iurisque regulis, ad omnes immunitates vitiorum delabantur. Nec vero ab istis sexu et debilitate parcitur: quinimo pudet referre eorum in conquerenda miserando feminis et pueris flagitia atque facinora; quibus postrema ethicae turpitudinis exempla vinci verissime dixeris. – Nos equidem aliquandiu, cum de his rebus rumores afferrentur, dubitavimus tantae atrocitati factorum adiungere fidem: adeoincredibilia videbantur. Sed postquam a locupletissimis testibus, hoc est, a plerisque vestrum, venerabiles Fratres, a Delegatis Sedis apostolicae, missionariis...

[*Latin ed. p. 523*]

The Acts of Pope Pius X, page 523, and other men of unwavering faith, have informed us; therefore, We have no doubt concerning the truth of these matters.

Therefore, having long pondered this, We, to the extent that it is within Our power, earnestly strive to combat these evils, and with humble prayer and supplication, We beseech God to deign to show us a way to remedy the situation. He, who is the Creator and most loving Redeemer of all mankind, when He inspires us to labor for the salvation of the Indians, will certainly grant that our efforts lead to the intended purpose. In the meantime, it

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greatly consoles Us to know that those who govern these republics are striving with all their might to remove this shameful and disgraceful stain from their states; and for this, We cannot sufficiently praise and commend them. However, in those regions, which are far from the seats of empire, and often remote and inaccessible, these efforts of civil authorities, whether due to the cunning of evildoers who transcend the boundaries of time, or due to the negligence and perfidy of administrators, often yield little fruit, and sometimes even lead to frustration. Only when the efforts of the Church are added to those of the republic can the desired results be achieved, and these results will be far greater.

Therefore, We call upon you, venerable Brothers, to consider this matter with special care and deliberation, for it is a matter of the highest importance to the pastoral office and ministry. Entrusting this to your solicitude and industry, We earnestly urge you, above all, to diligently promote whatever has been established in your dioceses for the benefit of the Indians, and also to take care to establish whatever seems useful for the same purpose. Furthermore, admonish your people to diligently fulfill their most sacred duty of assisting the sacred missions to the indigenous peoples, who were the first inhabitants of this land. Let them know that this undertaking deserves their support for two reasons in particular: through the provision of funds and through the offering of prayers; and let them do this not only for the sake of religion, but also for the sake of their own country. And you, wherever you may be, strive to instill proper morals, especially in seminaries, among young men, among girls, and above all in the sacred buildings, so that...

[*Latin ed. p. 524*]

524 Acta Apostolicae Sedis. - Commentarium Officiale. And let the preaching of Christian charity cease, which places all men, without any distinction of nation or color, in the place of our German brothers; which must be proven not only by words, but also by deeds. Furthermore, no opportunity must be overlooked to demonstrate how much Christian decency is offended by the indignities which, as we have denounced, are perpetrated here. — As for us, having good relations and favor with the public authorities, we have especially undertaken to expand the field of apostolic action in this vast region, by establishing missionary stations where the Indians may find refuge and the protection of salvation. For the Catholic Church has never been barren of apostolic men, who, urged by the charity of Jesus Christ, were ready to give even their lives for their brothers. And today, when so many are either repelled by or deficient in the Faith, the zeal for spreading the Gospel among the barbarians is not only not diminished among men and women of both the clergy, but it also grows and spreads widely, thanks to the virtue of the Holy Spirit, who assists the Church, his bride, in its time of need. Therefore, we believe

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that we must use all the more the resources which, by divine grace, are available to us, to liberate the Indians from the slavery of Satan and of perverse men, since their need is so great. Moreover, since the heralds of the Gospel have already imbued this part of the earth not only with their labor, but sometimes even with their blood, we are confident that, in time, a joyful harvest of Christian humanity will flourish from these labors. — Now, that the efforts which you or those under your direction are about to undertake, at our instigation, may be of the greatest possible benefit to the Indians, we, following the example of our Predecessor, condemn as a crime of the highest magnitude, and declare guilty those who, as he says, "reduce the aforementioned Indians to slavery," sell them, buy them, exchange them, or give them away, separate them from their wives and children, deprive them of their possessions and goods, lead them to other places and transfer them, or in any way deprive them of their freedom, and "retain them in slavery"; nor those who, with the consent of the aforementioned, conspire.

[*Latin ed. p. 525*]

Acta Pontificum Pontificum, X, 525: ("Auxilium, favorem et operam, quocumque praetextu, praestare, aut id licitum praedicare seu docere, atque alias quomodolibet praemissis, cooperari aut praesumere"). Itaque potestatem absolvendı ab his crimininibus poenitentes in foro sacramentali Ordinariis locorum reservatam volumus. Haec nobis, cum paterna voluntate Nostrasequentibus, tum etiam vestigiis persequentibus plurimos decessores Nostros, in quibus commemorandus quoque est nominatim Leo XIII, fel., visum est a vobis, venerabiles Fratres, Indorum causa, scribere. Vestrum autem erit contendere viribus, ut votis Nostris cumulate satisfiat. Fauturi certe hac in re vobis sunt, qui respublicas administrant; non deerunt sane, operam studioque navando, qui clero sunt, in primis addicti sacris missionibus; denique aderunt sine dubio omnes boni, a c sive opibus, quipossunt, sive aliis caritatis officiis causamiuvabunt, in qua ratione simul versantur Religio et humanae dignitatis. Quod vero caput est, aderit Dei omnipotentis gratia; cuius Nos auspicem, itemque benevolentiae Nostraetestem, vobis, venerabiles Fratres, gregibusque vestris apostolicam benedictionem per amanter impertimus. Datum Romae apud S. Petrum, die VII mensis Iunii MCMXII, Pontificatus Nostri anno nono. PIUS PP. X.

[*Latin ed. p. 526*]

526 Concerning the Age of the Apostolic See. - Official Commentary. BY PAPAL ACT. CONCERNING THE EMIGRATION OF CATHOLICS TO FOREIGN REGIONS. Since the Mother Church extends her care to all Catholics, she also follows with a particular solicitude those who, in order to seek their livelihood through labor, or to improve their fortunes, leave their native soil and migrate to distant lands, where it

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is often feared that, while considering the concerns of this mortal life, they may, to their lamentable detriment, neglect the eternal life. Many acts of Our Predecessors and Ourselves testify to the diligence with which the Apostolic See fosters beneficial societies for the welfare of emigrants, and how much care is especially devoted to ensuring that the sacred pastors do not suffer a lack of pastoral assistance in this very important matter. Indeed, as the commerce of peoples and faster means of transportation, and many other causes, daily increase the number of emigrants, We consider it Our duty to find some suitable means of providentially assisting all of these children in their times of need. We are indeed deeply moved by the great dangers in which religion and morals are placed by so many people who, for the most part, are ignorant of the region and language, and are deprived of the help of their priests, and are unable to provide for themselves the means of spiritual nourishment, nor, to a sufficient extent, to expect it from the local Ordinaries or from the associations established therein. And these, which are devised to remedy such great inconveniences, often do not achieve their desired outcome, because the efforts of those who labor in this most serious matter are either surpassed by the magnitude of the task, or they do not achieve the necessary agreement and unity. Therefore, judging that the time has come to provide stable and permanent assistance to such a large number of people in need, We, after consulting with the Sacred Congregation of the Consistory, by Papal Act and by the fullness of Our Apostolic authority, have established within the same Congregation a new Office, or Section, as it were, for the spiritual care of emigrants. The functions of this Office shall be to seek out and prepare all that is necessary to improve the condition of emigrants of the Latin rite in all matters pertaining to the salvation of souls, always respecting the authority of the Sacred Congregation.

[*Latin ed. p. 527*]

The Acts of Pope Pius X, concerning the Congregation for the Propagation of the Faith and concerning Eastern rite emigrants, to whom the aforementioned Congregation provides opportune assistance. And the Office itself will be vigilant concerning these very priests who are emigrating; for this reason, we invoke the prescriptions concerning this matter, the decrees of the Sacred Congregation of the Council. Therefore, the Sacred Congregation Consistorial, with the diligent study of the Ordinaries, which it will confirm and foster, and with the aid of the works of associations assisting emigrants, will direct, with divine power, the means necessary to ascertain the needs of the emigrants in each region, and to determine what remedies are most opportune. We are confident that those who observe the Catholic rite will desire to promote the holy work of the salvation of their brothers with prayers and also with alms, according to their ability, especially since they should be certain that the Supreme Pastor and Bishop

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of our souls will reward their own acts of charity with the most ample recompense in heaven. Given in Rome, at Saint Peter's, on the eighteenth day of the month of August, in the tenth year of Our Pontificate. PIUS PP. X. LETTERS. I. "TO THE MOST REVEREND ANDREAS CARDINAL FERRARI, ARCHBISHOP OF MILAN, AND TO OTHER ARCHBISHOPS AND BISHOPS OF THE LOMBARD REGION, ON THE OCCASION OF THE LETTERS WHICH THE RHAUDIAN CONGREGATION SENT TO THE MOST BLESSED FATHER, AS A MARK OF DEVOTION. Beloved sons and venerable brothers, greetings and the apostolic blessing. — The auspicious events that you have rightly foreseen, namely the Constantiniana celebrations and the Eucharistic congress, which are being prepared with great solemnity in Vienna; and these, through common letters which you sent when you recently met with the Rhaudians, pleased Us to acknowledge as a sign of your piety towards Us. Indeed, beloved sons and venerable brothers, there is nothing that we do not hope for from the renewed popular piety towards the august Sacrament and from the aroused zeal of minds for the cause of the Church. As for these regions, We have hope in this matter..."

[*Latin ed. p. 528*]

528 Acta Apostolicae Sedis - Official Commentary. Your excellent endeavors and the care which you promise to exercise in ensuring that those who contribute to the social action of Catholics, especially through writing, maintain the integrity of doctrine and obedience to those who hold authority in the Church, serve as an example to others. For if our people lack these qualities, they will scarcely be able to accomplish anything that will be of benefit to the pursuit of these aims. We thank you sincerely for the service you have rendered; and we bestow upon you all, our beloved sons and venerable brothers, and upon your clergy and people, our apostolic blessing, as a pledge of divine favor and a testament to our benevolence. Given in Rome, at St. Peter's, on the twenty-first day of June, in the ninth year of Our Pontificate. PIUS PP. X. IL AD V. E. IUL TUM CARD. BOSCHI, ARCHIEPISCOPO ARCHIEPISCOPIS TERAS. QUAS ET EPISCOPOS BONONIAE PATRI INSCRIPSERUNT. FERRARIENSEM, CETEROSQUE FLAMINIAE REGIONIS, OB COMMUNES CONGREGATI, DEVOTIONIS CAUSA, LIT- BEATISSIMO.

Beloved sons and venerable brothers, greetings and apostolic blessing.

We have observed with pleasure your attentiveness in the letters which you, in common council, recently sent to Us from Bologna. You deemed it fitting to commemorate the Constantinian celebrations, so that from them, the hope for better times might arise. This piety of yours, beloved sons and venerable brothers, is all the more pleasing because we know that it is accompanied in you by the virtues of the episcopate, whose fruit, after we have received divine grace, is the greatest hope for the times that are to come. Certainly, the efforts of the clergy to promote Catholic studies for

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the sake of the Church and its cause will be greatly strengthened by the action of a clergy to whom their bishop provides guidance with prudence and zeal, offers support, and employs appropriate incentives. We offer our thanks for the services you have rendered, and we bestow upon you all, our beloved sons and venerable brothers, and upon your clergy and people, our apostolic blessing, as a pledge of divine favor and a testament to our benevolence. Given in Rome, at St. Peter's, on the twenty-fourth day of June, in the ninth year of Our Pontificate. PIUS PP. X.

[*Latin ed. p. 529*]

The Holy Congregation of the Holy Office (Section for Indulgences). DECREE CONCERNING INDULGENCES ATTACHED TO THE PIOUS EXERCISE OF THE WAY OF THE CROSS. It is well known that the pious exercise of the Way of the Cross, as they say, for the salutary remembrance of the most holy Passion of our Lord Jesus Christ, has been earnestly commended by the Roman Pontiffs and enriched with numerous indulgences. And since it could not always, nor by all, be performed by regularly attending the erected Stations; the Apostolic See did not fail to grant, for those who were hindered either by infirmity of health or by some other just cause, the same indulgences by reciting, before the image of the Most Holy Crucifix, shorter prayers, which are recited by the Minor Friars – to whom, by apostolic privilege, the pious administration of this same exercise pertains – thereby attaching those same indulgences. Therefore, since, through such a concession, sufficient provision has been made for the benefit of all the faithful; the Eminent and Most Reverend Cardinals, Inquisitors General, in a plenary meeting held on Thursday, May 8th of the current year, having carefully considered all matters, decreed that they should deem it fitting to revoke, abolish, and utterly annul all other concessions on this matter, specifically those concerning the crowns, which they call the Way of the Cross. Furthermore, it is declared that all faculties for blessing the aforementioned crowns, which up to now have been granted in any way to any priests, whether secular or regular, even those holding the highest offices, shall, from the promulgation of this Decree, have no further validity. And on the following Friday, May 9th of the same month and year, the Most Holy Lord Pope Pius X, by divine providence, in his usual audience with the Most Reverend Father Admonitor of the Holy Office, approving and confirming, with his supreme authority, the resolution proposed by the Eminent Fathers, in all respects and in every particular, contrary to whatever may be, even those deserving of special mention. Given at Rome, from the offices of the Holy Office, on July 24, 1912. M. CARD. RAMPOLLA. L. £g S. f D. Archiep. Seleucien., Admonitor S. O.

[*Latin ed. p. 530*]

530 Acta Apostolicae Sedis. - Official Commentary. SACRED CONSIS-

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TORY CONGREGATION

DECREE CONCERNING CERTAIN COMMENTARIES ON SCRIPTURE NOT TO BE ADMITTED IN SACRED SEMINARIES. Since it is always and everywhere necessary to ensure that no one interprets the Holy Scriptures contrary to that meaning which the holy Mother Church has held and holds (S. Trid. Syn., Session IV), this is especially necessary in Seminaries among students who are growing up in the hope of the Church. For these, above all others, must be imbued with sound doctrines, which are in conformity with the venerable tradition of the Fathers and have been approved by the legitimate authority of the Church; and they must be shielded from novelties, which every bold person attempts daily, and from questions that are more concerned with speculation than with the edification of God, which is in faith (1 Timothy, chapter IV); for if these are unusual and legitimately condemned, they are for destruction and not for edification.

Indeed, a work recently published in Paderborn, entitled "Kurzgefasstes Lehrbuch der speziellen Einleitung in das Alte Testament," by the Reverend Doctor Carolus Holzheu, has come to light, in which, according to the theories of modern rationalism and hypercriticism concerning almost all of the books of the Old Testament, and especially concerning the Pentateuch, the books of Chronicles, Tobit, Judith, Esther, Jonah, Isaiah, and Daniel, most audacious opinions are defended, which are contrary to the most ancient tradition of the Church, the venerable doctrine of the Saints, and the recent responses of the Pontifical Biblical Commission, and which not only cast doubt on the authenticity and historical value of the sacred books, but almost subvert them. Therefore, this book is absolutely prohibited by this Holy Congregation, by order of the Most Holy Pope, from being introduced into Seminaries, not even for consultation.

Since there are other commentaries on the Holy Scriptures, both of the Old and New Testaments, of a similar spirit, such as several works by F. Lagrange, and the most recent work, entitled "Die Heilige Schrift des Neuen Testaments," published in Berlin in the year 1912, by Doctor Fritz Tillmann, these are...

[*Latin ed. p. 531*]

The Most Holy Congregation Consistorial mandates and prescribes that the aforementioned [article] must also be entirely removed from the statutes of the clergy, with the understanding that a more thorough judgment on this matter may be rendered by that authority to which it rightfully pertains. Given in Rome, from the offices of the Sacred Congregation Consistorial, on the 29th of June, 1912. C. CARD. DELAI, Bishop of Sabina, Secretary.

II. CONCERNING THE DECREE "MAXIMA CURA." In the general assembly of the Sacred Congregation Consistorial, held on the 27th of June,

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1912, regarding the question "Does the most recent decree 'Maxima Cura,' concerning the administrative removal from office and benefice of a pastor, remain in force in Australia?", after the opinion of the Consultors was requested and other matters were considered, it was judged that the answer should be: "Affirmative." Furthermore, after the Most Holy Father, Pope Pius X, was informed by the undersigned Cardinal Secretary in an audience on the 28th of June, 1912, the Most Holy resolution was ratified and confirmed. Rome, on the 12th of August, 1912. C. CARD. DE LAI, Secretary. Scipio Tecchi, Assistant.

SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH. APPOINTMENT OF A BISHOP. By Apostolic Brief, the following was appointed: On July 15th, 1912. — Bishop for the Ruthenians residing in the Canadian region, and titular Bishop of Patara, the Most Reverend Doctor Niceta Budka, Prefect of Studies in the archiepiscopal seminary of the diocese of Lviv, of the Ruthenian rite.

[*Latin ed. p. 532*]

Acta Apostolicae Sedis. - Commentary 532. Official Communication from the HOLY CONGREGATION FOR THE PROPAGATION OF THE FAITH, concerning matters pertaining to the Oriental Rite. CIRCULAR LETTERS. L. TO THE ORDINARY PASTORS OF THE LATIN RITE, CONCERNING THE NOT PERMITTING OF ORIENTAL BEGGARS TO SOLICIT ALMS WITHOUT THE PERMISSION OF THE SAID HOLY CONGREGATION.

Most Illustrious and Reverend Lords,

It has frequently come to the attention of this Holy Congregation for the Propagation of the Faith, concerning matters pertaining to the Oriental Rite, that distinguished men, established in ecclesiastical dignity and jurisdiction, whether Ordinaries, or Delegates of the Apostolic See, or others, have repeatedly reported to us remedies for reprehensible practices of certain individuals belonging to the Oriental Rite, who, here and there, especially in regions of Europe and America, travel about soliciting alms, under the guise or pretext of providing for the necessities of their own mission.

These men, collecting money, which they almost always claim to be for the benefit of the Oriental Catholic clergy, and sometimes even displaying vestments and titles of ecclesiastical dignity, present documents written in languages and characters little known in the West, and sealed with various seals, which they assert to have been issued by Bishops, or even by Oriental Patriarchs, and they give the impression of their own honesty, and of the necessity of the alms for the construction or repair of churches, for the building and maintenance of schools or hospitals, for the support of orphans, or for assisting people afflicted by calamity or famine, or for promoting some other pious work.

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However, it often happens that the documents presented are apocryphal; the very individual soliciting alms fraudulently boasts of ecclesiastical dignity and wears (and sometimes even displays) insignia, and even if it should be proven that these were truly granted by their Patriarchs, they cannot be worn except within the territorial limits of the jurisdiction granting them; sometimes, it is discovered that they are not even ordained, nor have they been promoted to the Sacred Orders; indeed, it has sometimes been discovered that the beggar is not only a schismatic but also a heretic.

Frequently, the purpose for which the alms are solicited is entirely fabricated; and generally, the money collected is used for private purposes.

[*Latin ed. p. 533*]

The Holy Congregation for the Propagation of the Faith decrees the following, without any benefit or advantage to the Eastern faithful, nor to the aforementioned undertakings. How pernicious and scandalous this mode of operation is, is clear to all; for the good faith and piety of Catholics are deceived and defrauded. Dishonor is brought upon the Eastern nations and churches, justice is harmed, and the Catholic name suffers a grievous injury. Therefore, this Holy Congregation and the Supreme Roman Pontiffs have always striven to remove these grave abuses of fraudulent collection, as is evident from the letters of Innocent XI, dated in the month of January 1677, of Clement XII, dated March 26, 1736, and others omitted, as well as from the admonitions to the Nuncios of the Apostolic See of the year 1875. However, since, with the passage of time, the dispositions and admonitions issued by the Supreme Authority seem to have fallen into oblivion, the Apostolic See has recently been petitioned to once again restrain the aforementioned abuses. Therefore, considering the ease of travel in these modern times, it has been decided not only to confirm the past dispositions on this matter, but also to establish the following:

I. Ordinaries in their respective dioceses shall not admit any Eastern collector of alms of any Order or ecclesiastical dignity, even if he presents authentic documents written in any language and sealed, unless he presents a genuine and recent Rescript from this Holy Congregation, granting him permission both to leave his own diocese and to collect alms.

II. If, in disregard of these mandates of the Apostolic See, any Eastern cleric should travel to Europe, America, or other regions to collect alms, even if he is accompanied by letters of recommendation from his own Prelate, the Ordinary of the place where he is present shall warn him against this prohibited practice, and shall not admit him to the celebration of Mass or to the exercise of other ecclesiastical functions.

III. If he persists, the Ordinary shall warn the clergy and the faithful, even through public notices, that such collection of alms is to be considered illicit and disapproved.

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IV. Finally, if any doubt arises, the Ordinaries shall refer the matter to this Holy Congregation, which will provide appropriate guidance. All contrary decrees are hereby set aside.

Given in Rome, from the offices of the Holy Congregation for the Propagation of the Faith, for the Affairs of the Oriental Rite, on this 1st day of January in the year 1912.

Fr. H. M. CARD. GOTTL, Prefect.

Hieronymus Rolleri, Secretary.

[*Latin ed. p. 534*]

Acts of the Apostolic See. - Official Commentary. 534 TO THE SUPERIORS GENERAL OF RELIGIOUS INSTITUTES OF THE LATIN RITE, CONCERNING THE PROCEDURE TO BE FOLLOWED BEFORE ADMITTING ORIENTALS INTO THEIR CONGREGATIONS. Most Reverend Father, By the Apostolic Letters *Orientalium Dignitas*, dated December 31, 1894, Pope Leo XIII, concerning the admission of Orientals into Latin religious congregations, decreed: "No one, of either sex, shall be permitted to receive any Oriental into their ranks, in any Order or religious Institute of the Latin rite, unless he has first presented testimonial letters from his own Ordinary." This precaution is indeed wise, so that in this matter, due deference may be paid to the authority of the Bishops, and at the same time, the good of the aforementioned Orders may be promoted, by providing them with a document worthy of trust regarding the life and morals of the candidates. However, this aforementioned prescription does not annul the provisions previously established, and especially those contained in the general meeting of this Sacred Congregation held on June 11, 1885, in which it is prescribed that in each case, recourse must be made to the Apostolic See, or to the Sacred Congregation for the Propagation of the Faith, which also has the faculty to grant the change of rite, either temporarily or permanently. Indeed, it has been discovered in recent times that Orientals have been admitted into religious institutes of the Latin rite, not only with testimonial letters from their Oriental Ordinary, but without any consultation whatsoever with the Apostolic See; therefore, this Sacred Congregation deems it opportune to remind all Superiors, of all religious institutes of the Latin rite, of whatever form and of either sex, of the obligation they have to consult this Sacred Congregation in writing before admitting any Oriental into their ranks. Furthermore, in the written request, the case must be clearly presented with all its details; and not only the name, surname, age, rite, and diocese of the applicant must be stated, but, if the applicant is a man, it must be clearly explained whether he seeks admission into the Institute for solemn or simple vows, and whether he is

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in the clerical or lay state; for the pontiff...

[*Latin ed. p. 535*]

"Sacred Congregation of Rites. 535. Rescript, if favorable, is granted in various ways according to the diversity of cases. In the meantime, I pray to God that He may preserve you for a long time. Your most Reverend Father, in Rome, on the 15th of June, 1912. Most devotedly, Fr. H. M. CARD. GOTTI, Prefect. Jerome Rolleri, Secretary. Sacred Congregation of Rites, i.e., Todi. REGULATION OF FEAST DAYS. Most Reverend Lord John Graziani, Bishop of Todi, having heard the petition of the Reverend Chapter of his cathedral church, so that days of rest may be established in the diocesan calendar on which the Sunday and weekday Offices may be recited, and so that the mind of the Supreme Pontiff may be more fully satisfied in the memorable Bulla Divino afflatu; he supplicated our most holy Lord Pope Pius X, that He would deign to grant him the faculty to remove many particular feasts from the diocesan calendar, and to reduce the rites of others; and also, to restore the feasts of the universal Church to their proper days, which had yielded their place to particular feasts. The Sacred Congregation of Rites, making use of the special faculties granted to it by the same most holy Lord, having considered the matters presented, has benignly granted to the Bishop of the Todi diocese the following faculties: 1. To remove four Octaves by which the feasts of St. Philip, St. Terence, St. Martin, and the Commemoration of the Passion of Our Lord Jesus Christ were adorned. 2. To remove the following movable feasts, assigned to Sundays, namely: The Blessed Virgin Mary, Mother of the Divine Shepherd; The Most Holy Redeemer; The Most Pure Heart of the Blessed Virgin Mary; The Blessed Virgin Mary of Consolation; The Maternity of the Blessed Virgin Mary; and The Purity of the Blessed Virgin Mary. 3. To remove the individual Offices of the Mysteries and the Instruments of the Passion of the Lord, except for the Office of the Solemn Commemoration of the Passion."

[*Latin ed. p. 536*]

536. Acta Apostolicae Sedis. - Official Commentary. The Feast of the Most Holy Trinity, to be celebrated as before, without the Octave, as stated above in number 1.

4. The following feasts of the Saints or Blesseds of the Roman Church, namely: Vitalian, Felix IV, Agatho, Gregory X, Dionysius, Felix III, Anterus, Zosimus, Simplicius, Gregory II, Zachary, Xystus III, Xystus I, Gelasius, Julius, Leo IX, Anastasius, Paschal I, Eugene I, Benedict II, Boniface IV, Leo III, Paul I, Innocent V, Benedict XI, Eugene III, Leo IV, Symmachus, Urban II, Hadrian III, Sergius, Hormisdas, Hilary, Agapetus, Eusebius, Victor III, Boniface I, Siricius, Nicholas I, Deusdedit, Gregory III, Eutychianus, Urban V, and Gelasius I, are to be removed.

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5. The following feasts are to be removed, namely: St. Felician, Bishop; St. Joseph of Leonissa; St. Hyacinth of Mariscotti; St. Gabriel the Archangel; Blessed Leopold of Gaich; Blessed Mary, Virgin, of Good Counsel; St. Peregrine Latiosus; St. John Nepomucene; St. Eurosia; St. Isidore the Farmer; St. Veronica of Julian; St. Emigdius; St. Roch; St. Rose of Viterbo; St. Philomena; St. Ferdinand, King; St. Raphael the Archangel; St. Firmina; the Expectation of the Nativity of the Blessed Virgin; and St. Leonard of Port Maurice.

6. The feast of the Relics of the Saints, which are kept in the churches of the diocese, is to be permanently assigned to the day of Thursday, November.

7. The following feasts are to be restored to the semi-duplex rite, namely: St. Marcellus, Pope and Martyr; Ss. Soter and Caius, Popes and Martyrs; Ss. Cletus and Marcellinus, Popes and Martyrs; St. Leo II, Pope and Confessor; St. Anacleto, Pope and Martyr; Ss. Nazarius and Celsus, Martyrs; Victor, Pope and Martyr; and Innocent, Pope and Confessor; Ss. Cornelius and Cyprian, Martyrs; St. Linus, Pope and Martyr; and St. Damasus, Pope and Confessor.

8. The following feasts are to be restored to the simple rite, namely: St. Telesphorus, Pope and Martyr; St. Hyginus, Pope and Martyr; St. Apollonia, Virgin and Martyr; St. Lucius, Pope and Martyr; St. Anicetus, Pope and Martyr; St. Alexander I, Pope and Martyr; St. Urban I, Pope and Martyr; St. Eleutherius, Pope and Martyr; St. John I, Pope and Martyr; St. Felix I, Pope and Martyr; St. Petronilla, Virgin; St. Silverius, Pope and Martyr; St. Pius I, Pope and Martyr; St. Liborius, Bishop; St. Felix II, Pope and Martyr; St. Stephen I, Pope and Martyr; St. Xystus II, Pope and Martyr; St. Zephyrinus, Pope and Martyr; St. Mark I, Pope and Confessor; St. Evaristus, Pope and Martyr; St. Pontian, Pope and Martyr; St. Barbara, Virgin and Martyr; and St. Melchiades, Pope and Martyr.

9. The feast of the universal Church is to be restored to its proper place, which had yielded to the particular feasts mentioned above, either by being removed or reduced in rank. All contrary decrees to the contrary notwithstanding.

June 17, 1912.

Fr. S. CARD. MARTINELLI, Prefect.

L. © S. f Petrus La Fontaine, Bishop of Charystien, Secretary.

[*Latin ed. p. 537*]

Page 537. Congregation of Rites. FROM PESCIA. REGARDING THE ADOPTION OF THE UNIVERSAL CHURCH CALENDAR. The Most Reverend Lord Angelus Simonetti, Bishop of Pescia, with the consent of his cathedral chapter, petitioned that certain days be established in the diocesan calendar as days of rest, on which the Sunday and weekday Offices may be recited, and thus, in a more complete manner, the

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sentiments expressed by the Supreme Pontiff in the memorable Bull, inspired by Divine Providence, may be fulfilled. He implored the Most Holy Lord, our Pope Pius X, to deign to grant the faculty whereby the clergy of the diocese of Pescia, abandoning the calendar hitherto used, may henceforth use the calendar of the universal Church, with the addition of only certain feasts, described in the petition, which have a special connection with the aforementioned diocese. Furthermore, the Sacred Congregation of Rites, exercising the special faculties granted to it by the same Most Holy Lord, approved the petition, so that the calendar of the universal Church may henceforth be used in the diocese of Pescia, with the following additions and variations:

On February 6th: The Feast of Saint Titius, Bishop and Confessor, of the first class, celebrated twice.

On February 7th: The Feast of Saint Dorothy, Virgin and Martyr, and Patron, of the first class, celebrated twice, with an octave.

On February 13th: The Feast of Saint Romuald, Abbot (d. a. after February 7th), of the first class, celebrated twice, with a commemoration and octave.

On February 14th: The Octave of Saint Dorothy, Virgin and Martyr, of the first class, celebrated twice, with a commemoration of Saint Valentine, Priest and Martyr.

On February 17th: The Feast of Saint Polychronius, Bishop and Martyr, and Patron, of the second class, celebrated twice.

On the second Saturday after Quinquagesima Sunday: The Translation of Saint Allucius, Confessor, of the first class, celebrated twice.

On May 6th: The Feast of the Blessed Virgin Mary of Graces, of the first class, celebrated twice.

On May 11th: The Feast of Saint John before the Latin Gate (d. a. after May 6th), of the first class, celebrated twice.

On June 9th: The Manifestation of the Blessed Virgin Mary at Fonte Novo in Montissummano, of the first class, celebrated twice, with a commemoration of Saints Primus and Felician, Martyrs.

On July 12th: The Feast of Saint Paulinus, Bishop and Martyr, of the second class, celebrated twice, with a commemoration of Saints Basilides and Socrates, Martyrs.

On July 21st: The Feast of Saint John Gualbert, Abbot (d. a. after July 12th), celebrated twice, with a commemoration of Saint Praxedis, Virgin.

ACTA, vol. IV, n. 15. - 16-8-912. 40

[*Latin ed. p. 538*]

Acts of the Apostolic See. 538 - Official Commentary. July 30th. - Saints Abdon and Sennen, Confessors, Patron, of lesser rank. In the city, of greater

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rank. In the diocese, of greater rank. Sunday, July 2nd. - Dedication of the Cathedral Church, of the first class, with the octave. Sunday, July 3rd. - Octave of the Dedication of the Cathedral Church, of greater rank. August 18th. - Commemoration of the Holy Cross at Burgos near Bojano, of the second class, in commemoration of Saint Agapitus, Martyr. October 9th. - Blessed John Leonard, Confessor, of greater rank. October 11th. - Saints Dionysius, Bishop; Rusticus, and Eleutherius, Confessors (celebrated after October 9th), of half rank. October 23rd. - Saint Allucius, Confessor, of greater rank, of the second class. November 5th. - Of the sacred relics which are preserved in the Cathedral and in other churches of the diocese, of greater rank, in commemoration of the octave. Notwithstanding any contrary circumstances. August 2, 1912. Rev. Father, Cardinal Martinelli, Secretary of the Sacred Congregation. L. © S. f. Peter La Fontaine, Bishop of Charystien, Secretary.

INSTRUCTION OR RESPONSE OF THE SACRED CONGREGATION FOR RITUAL MATTERS CONCERNING THE REFORMATION, OR THE ORDERING OF THE PROPER CALENDAR OF CONGREGATIONS OF RELIGIOUS OR ECCLESIASTICAL SOCIETIES, OR PLACES, OR SODALITIES, OR CONCERNING THE SUPPRESSION OF FEASTS OR THE REDUCTION OF RITUALS. The purpose of the Sacred Congregation for Ritual Matters is that, upon due request from the Reverend Ordinary of the place, or the Superior of the Order or Sodalitas, in the future, with Apostolic permission, the proper calendar may be set aside, and the calendar of the universal Church may be used, with the addition only of those feasts which can strictly be called proper, according to the norms of the Apostolic Constitution *Divino afflatu* and the recent regulations, title II, number 2, letter e. In such a case, a list of the feasts, with reasons for their propriety, shall be transmitted to the Sacred Congregation for Ritual Matters, together with a supplication. From the Secretariat of the Sacred Congregation, July 25, 1912. f. Peter La Fontaine, Bishop of Charystien, Secretary.

[*Latin ed. p. 539*]

The Roman Rota. 539 IV. DECREE CONCERNING THE MODULATION OF MONOSYLLABIC WORDS OR HEBREW WORDS IN READINGS, VERSICLES, AND PSALMS. Certain masters of Gregorian chant presented the following question to the Sacred Congregation for Rites, seeking a suitable solution: Whether, in singing the Readings and Versicles, and especially in the portions of the Psalms marked with an asterisk, when a monosyllabic word or a Hebrew word occurs, may the melodic phrase be altered, or may the chant be sung with the usual modulation? And the aforementioned Sacred Congregation, with the approval of the Most Holy Pope Pius X, decided to respond as follows: Affirmative to both. July 8, 1912. Rev. Cardinal Martinelli, Prefect of the Sacred Rota. L-ŒTS. Rev. Peter La Fontaine, Bishop of Charystien,

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Secretary. L WESTMONASTERIEN. REGARDING PROPERTY. During the blessed reign of Pope Pius X, in the ninth year of his pontificate, on April 30, 1912, the Most Reverend Fathers Michael Lega, Dean, Ponens, Anthony Perathoner, and Joseph Alberti, Auditors from Tournon, rendered the following final judgment in the case of "Westmonasterien - Regarding Property," between Henrietta, Duchess of Newcastle, plaintiff, represented by her lawful attorney, V. Sacconi, advocate, and the Order of the Friars Minor of St. Francis, represented by her lawful attorney, A. Lombardi, advocate. Henrietta, Duchess of Newcastle, a woman distinguished by her devotion to the propagation of the Catholic religion and her wealth, while residing in the town of Ascot,

[*Latin ed. p. 540*]

540 Acta Apostolicae Sedis. - Official Commentary. The Brothers Minor Franciscans, who, having been driven out of France, had established a house there, began to be followed with admiration and veneration. Indeed, she greatly admired the austere way of life that they led, with the utmost simplicity and faithful observance of their constitutions; therefore, she considered that the greatest good would come to England if similar houses were established there, and especially in the archdiocese of Westminster. On this matter, she spoke with the Most Reverend Vaughan, the Archbishop of Westminster, who greatly approved of the Duchess's proposal, namely, to promote the widespread establishment of the Order of the Friars Minor in England, and he persuaded her to found a new monastery near the town of Woodford, near London. To accomplish this, the most pious woman immediately set to work, intending that the monastery be established in such a way that the Friars Minor would possess a house and land peacefully, and in accordance with English laws, and that they would safely transmit it to their confreres in perpetuity by hereditary right. She knew that this could be achieved, by following the advice of men skilled in law, if the land were purchased and inscribed in the public records in the name of the religious order, so that they would be considered the owners of the land by civil law. Indeed, on October 27, 1904, an instrument was requested whereby the sellers transferred to four Friars Minor, namely Edward Fischer, Francis Haas, Peter Donegan, and William Hallan, "all that part or portion of land with a house or dwelling built on part thereof, situated on the western side of the road leading from London to Epping near Woodford..., called 'The Oaks,' with gardens, workshops, etc. - in ownership and use for the said... and their heirs and assigns, as in perpetuity." From the context of the sale agreement, it is clear that the Duchess of Newcastle had no part in this transaction; however, she was truly instrumental in the matter, by providing the funds with which the aforementioned religious men were able to purchase the land. Later, three years later, and after the canonical foundation of the monastery had been completed, the same religious

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men entered into an agreement with the Duchess of Newcastle, in which they leased a portion of the land in Woodford to her; in the instrument dated April 8, 1897, it is stated that the aforementioned Religious "lease" to Henrietta, Duchess of Newcastle, "that house or dwelling situated on the western side of the road leading from London to Epping near the place called Woodford Wells, with a pew in the adjacent church, and together with gardens, workshops, a field... as now possessed by the said tenant... so that the aforementioned things shall be held and possessed by the said tenant for the space of her life... for an annual rent, which by this name is called 'rent'... to be paid, if required..."

[*Latin ed. p. 541*]

The Roman Tribunal. 541. The canonical erection of the Woodford monastery took place in the year 1896, and for this purpose, certain faculties were obtained from the Most Holy and Religious Congregation [of Religious] by a Rescript dated April 21, 1896. And in the same year, in the month of December, in order to express their feelings of gratitude, the superiors of the monastery requested from the same Most Holy Congregation that a noble and most pious woman "visit the monastery twice a year," which she herself had built and furnished. In the year 1897, on October 4th, the pontifical Constitution *Felicitate quadam* was issued, decreeing the union of four families to which the Order of Friars Minor was coalescing. Since the French province, to which the houses founded in England belonged, was attached to the family of the Friars Minor of the Observance, and, on the other hand, the English province belonged to the family commonly called the Recollects, an agreement was made to effect this union in accordance with the aforementioned Constitution, and with the prior consent of the Definitorium of the English province, on August 13, 1902, and of the French province, on September 11, 1902. This union was then carried out, by virtue of which three convents of the English province ceased to belong to the French province and were incorporated into it, with this condition, gladly accepted by both parties, "that in the event of expulsion, the religious of the French province in England shall be exempt." However, this union did not immediately produce the effect of causing the religious to embrace a new discipline without difficulties and disagreements. The Duchess, however, due to the new state of affairs, and especially because in the house which she herself had founded, other religious men succeeded those whom she had supported through her devotion and her donations, began to doubt whether her will and intention were still being observed, and she strongly opposed the introduced changes. Therefore, she presented petitions to the Most Holy and Religious Congregation and to the Supreme Superior of the Order of Friars Minor, in the year 1903, in which she complained about the new state of affairs and asserted that an injustice was being

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done to her, the founder. But the Sacred Congregation did not consider these complaints to be justified and responded: "Let it be restored." But the causes that had greatly changed the Duchess's mind were not thereby silenced, and the following events are noteworthy: After the union was decreed in accordance with the Constitution *Felicitate quadam*, some of the religious men, to whom the property of the land had been registered in their names during the actual purchase, when they went to distant regions, either in Asia or in America, were replaced by other religious men, who were registered in the public records as the purchasers and owners of the land. And because the Duchess was unaware of this, she raised a complaint. In September 1902, Father Osimund O'Conney wrote a letter of explanation, stating among other things: "I had already mentioned this to you when I saw Your Grace last Monday, the 7th; I did not go into detail because the matter remains essentially and exactly the same."

[*Latin ed. p. 542*]

542 Acta Apostolicae Sedis. - Official Commentary. "As was the case previously, the supplementary documents concerned only the "names of the representatives of the Order." However, another event occurred which greatly affected the Duchess's mind, namely, that a certain niece had been converted to the Catholic faith. Consequently, the reason which had strongly moved the Duchess to have the entire property of Fondi Woodfordiensis registered in the name of the Minor Friars, so that they would not be disturbed in the peaceful use of the Monastery by Protestant heirs, no longer held. Therefore, it appears that the Duchess persuaded herself that that part of the property where her own house was built, which had been agreed to be rented to the Minor Friars, was, in reality, within her own domain, and thus entirely within her full control, so that the Minor Friars could object to nothing. Indeed, the purchase and lease for that part were more a fiction designed to achieve a certain purpose known to the owners, than true ownership. In reality, the Duchess now contends that, at the time when the property was purchased and the Monastery was built, she did not obscurely signify this intention to Peter Baptist Gimet, the superior of the French province, to Celestino Sant, the secretary of the same province, and to Edward Fisher. However, on the contrary, the Minor Friars contend that the full and free use of the property of Woodfordiensis belongs to them, in order that they may use and enjoy the monastery built there through the generosity of the Duchess, to whom, therefore, the use of a dwelling in the monastery itself, and even of the church annexed to it with the right of sanctuary, was gladly granted, as is indicated in the lease agreement, and that this use would have been granted to the Duchess's niece as long as she lived. The Duchess herself and her niece now contend that the ownership of the property fully belongs to them. This controversy has been submitted to the Holy Office for resolution, and in the dispute,

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the following formula of doubt has been agreed upon: "Does the property 'of the land commonly known as Woodford de which we are speaking, together with all its appurtenances, and the house as well as the gardens commonly known as 'The Oaks' exclusively belong to the Order of the Minor Friars of St. Francis, in this case?" In resolving this question, the Most Reverend Fathers first noted that, with regard to the very formula of the doubt, it might seem strange to speak of ownership which is claimed by the Minor Friars, since the Council of Trent (session 25, chapter 3) expressly excludes from the power of possessing immovable property "the houses of the Friars of St. Francis, the Capuchins, and those who are called Minor Observants"; but it should be noted that the controversy concerns ownership between the Duchess and the Minor Friars, to whom it is intended to be denied.

[*Latin ed. p. 543*]

The Roman Rota. The exclusive use of the property in Fondi stems from the very law of ownership itself; whereas, unless in the case of the plaintiff Duchess, it is asserted that this right belongs to the Minor Friars, so that the intention, whether of the Duchess or of any other person claiming ownership, is excluded. However, the Minor Friars, while intending to assert and maintain their possession of the property, as they currently hold it, do not affect the fact that the property rightfully belongs to the Holy See, according to the pronouncements of the Holy Fathers, which, consequently, designate them as the owners of the property by right, by virtue of the Constitution of Nicholas III, *Exiit*. Nevertheless, all Doctors recognize that the religious orders residing there have the right to use the property, as Bouix demonstrates, *De iur. Regul.*, vol. II, page 535. Therefore, in the present case, the matter concerns the ownership of the property, which can legitimately be claimed even by the Minor Friars, although it is understood that the Holy See itself holds this right on their behalf, according to Regulation 72 of the laws, in VI, "he who acts through another is, for all intents and purposes, acting through himself." Without a doubt, the Minor Friars fully experience this right within the Holy See, having obtained a pontifical commission. The Minor Friars in this instance are the defendants and are defending themselves, presenting contractual documents that, according to the civil law of England, provide evidence of the ownership of the property that they claim. The property did not pass directly from the hands of the Duchess to the Minor Friars, but rather she provided funds in advance; therefore, the action that the Duchess can legitimately pursue should not be aimed at recovering the ownership of the property or rescinding the donation contract, but rather at recovering the sum given to the Minor Friars as a loan or donation. This is the teaching of the most learned jurists, as D'Annibale teaches (II, 212): "Restitution is a restoration to the former state, and this must be done to achieve 'equality'" (argum. 11.

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35, 75, ff. *De verbor. signif.*). Furthermore, the Duchess herself does not claim that the Minor Friars purchased the property on her behalf as their procurators; nevertheless, she has stated in the documents presented that she purchased the property and donated it to the Minor Friars, granting them full ownership of the same property. Thus, in the appeal presented to the Sacred Congregation of Bishops and Regulars in 1903: "Therefore, I bought a property where, at my expense, I had a house and adjacent garden built, which I reserved for my own use, only during my lifetime, having immediately donated the entire property to the Franciscan Fathers, and to free them from any expense and difficulty after my death. In that same property, a school was subsequently built, almost entirely at my expense, with the rest being contributed by the offerings of those villages." The Duchess expresses the same intention in letters given to the General Minister of the Minor Friars, in which, after asserting that she donated the property with all its appurtenances,

[*Latin ed. p. 544*]

544 Acta Apostolicae Sedis. - Official Commentary. concerning accessories, she declares: "I have reserved no right over any 'part of the property,' etc." These statements were intended by the undersigned to establish the matter in legal terms. For the Duchess speaks as if she herself had donated the property, whereas in truth, she could not donate what was not her own; but it must be understood that she donated the money, or the price of the property which was purchased by the Minor Friars. And to assert this is not to quibble or play with words, nor to detract anything from the generosity of the woman, as if the Minor Friars, who, in the name of the Duchess, purchased the property, now intend to change the cause and reason for their possession; for in truth, this is what happened: the Minor Friars purchased the property in their own name and registered it as their own in the public records; but they are indebted to the Duchess for the sum of money lent to them, unless we admit that this sum was given as an absolute donation, as appears to exist in the documents and indeed does exist. Indeed, the Duchess herself explained on more than one occasion that her will was that the property be registered in the public records in the name of the Minor Friars, so that her heirs, addicted to the Protestant sect, would not disturb the Minor Friars in their possession. These individuals do not in any way deny the holy intention of the donor, but they claim that from this intention of the Duchess, it now follows that she has the power to revoke it, or that she reserved the power to reclaim the property, by rescinding the donation, as she herself contends in a certain memorandum, which her nephew received from the Duchess in the year 1909, and which was sent for confirmation to Fathers Edward Fisher and Goelestino M. Sant, from the latter to the Father Minister General of the Minor Friars, dated September 25, 1909. In the aforementioned document, the Duchess states:

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"When I insisted that 'all the land be delivered to Father E. Fisher and the others who 'represented the French province, it was clearly understood by 'me and by them that I was doing this because I had no 'Catholic relatives at that time and I did not want the property 'to go to my Protestant relatives. 'I never intended to give the land, the church, and the convent 'to anyone other than the French province, and if I had known 'that it could be taken away from them and given to the 'English province, I would have made a completely different 'agreement... I entrusted myself entirely to them, and it was 'understood between us that 'they should do what I wanted, if 'from my side a change was desired." But the documents, on the contrary, prove that no reservation was made. Firstly, there are letters given by the Duchess, or by the Sacred Congregation of Extraordinary and Religious Affairs, or by the Father Minister General of the Order, which demonstrate the contrary. In the records, there are written testimonies given by the Definitor, the Custos, and the Provincial Minister of England, who, under oath, state that the Duchess made no reservation concerning the property, either in its entirety or in part.

[*Latin ed. p. 545*]

The Roman Rota. In the matter of the revocable portion of the property at Woodford, near Fondi. The same was testified to by Father Bonaventure Macdonald and Thomas White, formerly students of the French province, until the union with the English province was effected. The Franciscan Friars, whom the Duchess had called upon to serve as witnesses to her will, were questioned, and the following testimony was given: "There were no formal reservations, but there was an implicit trust in the good faith and good will of the Fathers who were the owners." This implicit trust, and not a reservation, was founded on a certain hope, namely, a firm and well-founded hope, namely, that it was based on the good faith of the Franciscan Fathers; but this, at least legally, is far removed from a reservation which imposes certain limits on the contract. Father Coelestinus Sant stated: "It was certainly intended to exclude the Protestant heirs and to preserve the possession of the property exclusively for the French Franciscans. I do not recall that any other conditions were mentioned." And the opposing parties do not deny this, to which no other general response given by the same witness contradicts it; when asked, "Was it intended in making such a cession that, perceiving the necessity of modification, the Fathers themselves should at all times carry out the will that the Duchess had explained to them in this matter?" he replied: "Yes, categorically." Indeed, while the phrase "perceiving the necessity of modification" is very broad, the response is equally broad, and no one would exclude the possibility that if the foundation of the monastery, which the Duchess had established with her own resources in England, could no longer continue, the Franciscan Friars would have asked the Duchess about the manner in which the

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money would be allocated to another pious work; and to this, the response is "Yes, categorically." This witness, who submitted the Duchess's letters, known as the Memorandum, to the General Minister of the Order, was asked whether the Duchess had truly made any reservation regarding the property or a portion of the property, and he replied: "I do not know that she made any special reservation regarding the house. But, in my judgment, this special reservation was contained in the trust that she declared she had in us. That is why I was able to sign the Memorandum of which I speak in my letter of September 29, 1909." And this assertion does not differ from the testimony of Father Gimet. Nothing new was testified to by Father Donegan. The Duchess's nephew presented a completely new and different account from that of the others, asserting: "There was an implicit understanding and a tacit agreement between the aforementioned Fathers, the relatives, and the Duchess, in the sense that the latter could re-enter into possession of the house and garden when she believed it to be appropriate." The Duchess's nephew, on the contrary, clearly denied that the Duchess had made any alleged reservation, stating: "The witness..."

[*Latin ed. p. 546*]

546 Acta Apostolicae Sedis. - Official Commentary. "It may be asserted whether in the mind of the Duchess there was the intention "to reclaim the property later, should she have believed it advisable to do so, and this "because she did not doubt at all that the stipulated conditions "might not be observed." From these testimonies, since it is not in any way proven that the Duchess reserved for herself the possibility of revoking, at least in part, the donation, the written documents and testimonies remain and are confirmed in their validity, from which it is clearly demonstrated that no limitation whatsoever was attached to the donation. Since *donatus* was not a *fundus* but money from which the *fundus* was purchased, the limitation or reservation would have been understood as the Duchess imposing upon the Friars Minor the obligation of ceding to them, in place of and instead of the money paid as price, a part of the *fundus* or the entire *fundus*, whenever she should request it. But this has not in any way been demonstrated to exist in the proven facts. The Duchess's advocate, from another point, contradicts the Friars Minor, stating that the property of the *fundus*, or its ownership, is revocable, because the Duchess intended with her donation to increase the province of *Galliae* and to confer her favors only upon it, and not upon other provinces; therefore, when the circumstances changed, her will collapsed and she has the right to restore things to their former state. But this assertion certainly does not rest on a factual basis, because, when the inscription of ownership was made in the name of the Friars Minor of the province of *Galliae*, this was intended to be obtained, and the Duchess has repeatedly professed, and the witnesses unanimously confirm, that her heirs, the Protestants, should not deprive

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the Friars Minor of the peaceful possession of the *fundus*. Furthermore, it should be noted that the *fundus* was inscribed in the contract of purchase to religious men, not one of whom was *Gallus*. In the document given to the Reverend General of the Order, on October 23, 1903, the Duchess stated: "The property of Woodford which I gave to the French province to avoid "disturbances and expenses that could arise at my death, includes the "church, the convent, the garden... I have reserved no right "on any part of the property, not dreaming of the possibility that those "to whom I had given it, could be driven out... I do not regret the "sacrifices made, I ask for nothing for myself; but I feel obliged to "protest, because what I had donated is taken away from those to whom "I had donated it, at the same time that these are exiled and driven out "from their country." As is evident from these things, no condition is proven to have been imposed by the Duchess so that the *fundus* of Woodford belonged only to the province of *Galliae*, but there emerges a feminine concern for the misfortunes that had struck the religious men whom she venerated; in them, without any distinction, the entire Order of the Friars Minor received her devotion.

[*Latin ed. p. 547*]

The Roman Rota. 547, for she herself recounts in the same document: "Then the French and English had already two houses in Essex, at Hartad and at Forest." And she adds: "I did not know this, not being familiar with that part of the country, and I was surprised when I learned it." Therefore, the Duchess made no distinction between the Religious Minor Orders, whether of French or English origin, and in the same writings she recounts: "Then they had at Woodford a number of novices, all English, who received the habit at Woodford." Consequently, it was in every way foreign to the Duchess's mind any intention of subjecting, with limits or conditions, the donation she made to the Minor Orders; indeed, she could not even foresee the changes that would later occur, nor did she have any preference for certain individuals over others, since she only knew and approved those whom she had first touched with her devotion, and then with her generosity. Therefore, since the Duchess, at the time of the donation, was completely unaware of the distinction between the Minor Friars in different provinces, she could by no means have foreseen that a house of one province would pass to another, as has happened, according to a certain Constitution. It is therefore understood that the will now manifested by the Duchess is that which is called interpretative, and this, according to the aforementioned "does not make an act conditional" (D'Annib., I, n. 130). Furthermore, even if it were granted that the lack of Catholic heirs was the reason why the Duchess was led to make the donation to the Minor Orders, it would have to be determined whether such a lack was the final cause of the donation, or merely an inciting cause. But from the documents presented above, it is quite clear that the final cause of the

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donation was the pious desire of the Duchess to found a Catholic mission; the inciting cause, however, was the lack of Catholic heirs. Indeed, the lack of a completed inciting cause does not invalidate the disposition, nor does it render the act null or revocable; this must be held even in the case where it is doubtful whether the cause of the disposition was inciting or final (S. R. Rota, decision 587, n. 6, part I; decision 349, n. 13; decision 561, n. 65, part IV, vol. III, Recent). However, the Duchess's exception rests on a flimsy foundation, and her patron easily perceives this, and therefore he scarcely treats it with seriousness; but he resorts to another argument: hoping thereby to vindicate the right of his client to change his will; for he contends that it is permissible for the Duchess to change her will, because the donation was made for the sake of death. With this intention, he tries to prove that it is entirely within the Duchess's power to change, correct, or revoke the donation; for it is established by law that the donor has this right when he makes a donation for the sake of death; and this is an undoubted principle of law, as explained by De Luca, de donat., disc. XVI, n. 9. But the lawyer labors in vain, because in the matter there are completely lacking the elements of a donation made for the sake of death, which, as...

[*Latin ed. p. 548*]

548 Acta Apostolicae Sedis, - Official Commentary. It is, by the common judgment of Doctors, established that a donation made with the intention of benefiting the Church after the donor's death, and expressly mentioning the same (Reiff., de testam., § 3, n. 688), or made because of a suspicion of death, as is stated in the Institutiones Justiniani de donationibus, § I (II, 7). However, in the present case, the difference lies only in the fact that the Duchess did not explicitly mention death, but rather alluded to the danger that might arise from death, or to prevent the inheritance from passing to heretics. Therefore, there was no fear, no mention of death, on the part of the Duchess, who rejoiced to see the effects of her donation, and, having obtained them, was pleased, and thought of death not as a means of giving, but lest something be taken away from the donation she had made after her death, against her will. Therefore, she took steps to have her will carried out with certainty before her death. Furthermore, as is stated in the decree 1. 32, de mort. caus. donat., "a perfect donation for the sake of death is not considered to exist before death occurs." For the donation is not irrevocable before it is accepted by the donee; but it cannot be accepted until it is perfect, and this does not happen until the death of the donor (Reiff., l.c., n. 790), therefore, absolutely, the donation is not perfect, even if it is accepted by the donee, according to l. % of the same title. It is also clear that it is a donation made for the sake of death, even if someone donates in such a way that it immediately becomes the property of the recipient, because, although not absolutely perfect, it is still revocable. In our case, however, the donation is fully perfected before the donor's death. Finally, we must examine the

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argument of the Plaintiff, namely that the Minor Friars cannot possess what they do not legally hold; and that it is forbidden to them not only to own property, but also to use it, to the extent that it exceeds the necessity of a religious family for daily sustenance and habitation, and therefore they are capable of retaining and possessing those things of which they make daily use, such as a dwelling, a church, a garden or vineyard attached to the convent (Mostazo, De causis piis, IV, % § 48). In our case, it is of little importance whether the property of the Woodford estate, the garden and vineyard from which the funds were obtained for the construction of the dwelling for the religious, belongs to the Holy See, and whether only the use of it is reserved to the religious. However, in this matter, it must be noted that the Woodford estate certainly does not exceed the capacity or measure of that immovable property which these religious are permitted to possess for use. For if the land surrounding the convent and church is so large that the religious have granted a portion of it to the Duchess for lease, this involves a double limitation and explanation. For although the lease or grant may cause inconvenience to the religious, it could in no way be denied to the Duchess, who was so generous a benefactor and founder.

[*Latin ed. p. 549*]

The Roman Rota. 549 Another reason for limitation exists, pertaining to the future. Indeed, if the Church today enjoys parochial rights, and if the faithful are increasingly numerous each day, this cannot be achieved in any way unless parochial schools are increased, and other supports are added to them, which the current education of young people demands, such as gymnasiums for athletic exercises and other similar things. Therefore, since religious men today dedicate themselves to parochial duties as well, they need not only a church and a conventual house, but also schools and other additions, as we have observed, which are certainly contained within that possession, or by legitimate use, from which the capacity of the Brothers Minor to possess even immovable property is measured; and once legitimate possession is established, the bare ownership of these things remains with the Holy See. Having considered and diligently pondered these matters, invoking the Name of Christ, We, the Auditors of Tournon, sitting for the tribunal and keeping only God before our eyes, declare and pronounce the following judgment: the property of the land, commonly called Woodford, of which we are speaking, together with all its appurtenances, and the house, as well as the gardens, commonly called "The Oaks," exclusively belong to the Order of the Brothers Minor of Saint Francis in this case; or, answering the proposed question, we respond affirmatively: and We decree that the expenses be compensated. Thus We pronounce, commanding the Ordinaries of the places and the ministers of the tribunals to whom it pertains, that they enforce this Our definitive judgment, and that they proceed against those who resist, according to the sacred Canons,

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and especially session XXV, chapter 3, of the Council of Trent, using the executive and coercive means that they shall judge to be more effective and appropriate for the circumstances. In Rome, in the seat of the Tribunal of the Holy Roman Rota, on the 30th of April, 1912. M. Lega, Dean, Presiding. A. Perathoner. Ios. Alberti. T. Tani, Notary.

[*Latin ed. p. 550*]

550 Acta Apostolicae Sedis. - Official Commentary. Edictal Citation. PARIS. NULLITY OF MARRIAGE • (DUPRÉ-SCAPARONE). Since it appears from the records of the proceedings conducted in the court of Paris that the aforementioned Lady Nemée Scaparone, summoned in this cause, cannot be found, we hereby cite her by this edict to appear, either in person or through a duly appointed procurator, before the seat of the Tribunal of the Sacred Roman Rota, on the 4th of November, 1912, at the eleventh hour, to witness the subscription of the following question, and to determine the day for the presentation of the cause before the Rota. Question: Does the nullity of the marriage result from the evidence? The Ordinaries of the places and all the faithful who have knowledge of the domicile or place of residence of the aforementioned defendant ought to take care, as far as possible, to inform her of this edictal citation. Rome, on the 30th of July, 1912. Anthony Perathoner, Ponens. L. ffi Saint John Ladelci, Notary of the Sacred Roman Rota.

Translation:

TRIBUNAL OF THE SACRED ROMAN ROTA, ROME. Citation by Edict. PARIS. - NULLITY OF MARRIAGE. Since it appears from the records of the trial which was held in the Curia of Paris, that Madame Nemée Scaparone, defendant in this cause, cannot be found, We hereby cite the aforementioned defendant by this edict to appear, either in person or through a legitimately constituted procurator, at the seat of the Tribunal of the Sacred Rota of Rome, on the 4th of November, 1912, at 11 o'clock in the morning, to witness the subscription of the doubt reported below, and to fix the day for the presentation of the cause before the Rota. Doubt: Does the nullity of the marriage result from the evidence? The Ordinaries of the places and the faithful who have knowledge of the domicile or place of residence of the aforementioned defendant ought, as far as possible, to inform her of this present citation. Rome, on the 30th of July, 1912. Antoine Perathoner, Ponens. L. © Saint Jean Ladelci, Notary of the Sacred Rota.

[*Latin ed. p. 551*]

Diary of the Roman Curia. 551 DIARY OF THE ROMAN CURIA. SACRED CONGREGATION OF RITES. PREPARATORY CONGREGATION. On July 30, 1912, before the Most Reverend and Illustrious Cardinal Sebastian Martinelli, Prefect of the Sacred Congregation of Rites, Promoter of the Cause of Beatification and Canonization of the Venerable Cesare Franciotti,

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professed priest of the Clerics Regular of the Mother of God, the Preparatory Congregation of the Sacred Rites was held, in which the Reverend Prelates and theological Consultors discussed the doubt concerning the heroism of the virtues exercised by the aforementioned Venerable Servant of God.

ORDINARY CONGREGATION. On August 13, 1912, in the Apostolic Palace of the Vatican, the Ordinary Congregation of the Sacred Rites was held, in which the following matter was presented to the judgment of the Most Reverend and Illustrious Cardinals, who comprised the same: Introduction of the Cause of Beatification or declaration of martyrdom of the Servants of God Charles Luanga, Matthias Murumba, and Companions, commonly known as those of Uganda, who were killed, as it is asserted, out of hatred for the faith.

SECRETARY OF STATE. APPOINTMENTS. By Apostolic Briefs, the Holy Father deigned to appoint:

Assistant to the Papal Throne: August 8, 1912. — Monsignor Giovanni Dunne, Bishop of Wilcannia.

Apostolic Protonotary, as if participating: August 3, 1912. — The Most Reverend Monsignor Domenico Pasi, of the diocese of Faenza.

Domestic Prelates of His Holiness: July 27, 1911. — The Reverend Felice Peagno, Archpriest of Busalla, in the diocese of Genoa.

August 5, 1912. — The Reverend Francesco Pichler, Provost of the Cathedral Chapter of the diocese of Passau.

— The Reverend Ludovico Enrico Krick, Canon of the Cathedral of Passau.

[*Latin ed. p. 552*]

Acts of the Apostolic See. - Official Commentary. Through documents from the Secretariat of State, the Holy Father deigned to appoint: Extraordinary Chamberlain to His Holiness: July 13, 1912. — Monsignor Giuseppe Mariani, of the diocese of Volterra. Honorary Chamberlain to His Holiness, wearing purple robes: July 13, 1912. — Monsignor Gaetano Coli, of the diocese of Volterra. HONORS. Through Apostolic Briefs, the Holy Father deigned to bestow the following honors: The Order of Saint Gregory the Great, civil class, with plaque: August 4, 1912. — To the Reverend Don Francesco dei Marchesi Serlupi, of Rome, Knight Grand Cross of His Holiness. The Order of Saint Gregory the Great, military class: August 2, 1912. — To the Right Honorable Count Raffaele Belli-Leonardi, of Pesaro. August 7. — To the Right Honorable Marquis Giovanni Pellegrini-Quarantotti, Lieutenant in the Corps of the Noble Pontifical Guard. The Order of Saint Gregory the Great, civil class, knighthood: July 26, 1912. — To the Right Honorable Armando Richard, of the archdiocese of Rennes. August 7. — To the Right Honorable Francesco Saverio Costantini, of

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Rome. The Order of Saint Sylvester the Pope, knighthood: August 4, 1912. — To the Right Honorable Vincenzo Crisanti, of Rome, Lieutenant in the Corps of the Pontifical Gendarmerie, and Director of the music of the aforementioned Corps. NECROLOGY. July 8, 1912. — Monsignor Francesco Belleville, titular Bishop of Amiso, Apostolic Vicar of Southern Tonkin. July 31. — The Most Reverend Cardinal Anthony Hubert Fischer, Archbishop of Koln. August 6. — Monsignor Patrick Ludden, Bishop of Syracuse (United States of America). August 13. — Monsignor Gioacchino Cantagalli, Bishop of Faenza. August 16. — Monsignor Pius Albert del Corona, titular Archbishop of Sardica.

[*Latin ed. p. 553*]

Year IV. - Vol. IV. August 31, 1912. No. 16. ACTA APOSOLICAE SEDIS. OFFICIAL COMMENTARY. ACTS OF POPE PIUS X, BY HIS OWN INITIATIVE. CONCERNING THE SHRINE OF SAINT MARY AT THE ROCKS, IN THE VALLEY OF SUPPENTONIA. That the love of piety might be more intensely aroused in the hearts of the Christian faithful, and that the worship of the Saints might be fostered with all diligence, Our Predecessors, the Roman Pontiffs, have been accustomed to enhance those sacred places and temples with honorable names, privileges, and graces, which, no less than their antiquity, are esteemed by the Christian people; nor have We, after being raised to the supreme chair of the Apostleship, neglected to follow in their footsteps, whenever the opportunity presented itself. Among those places deserving of recognition is the Shrine of Saint Mary at the Rocks, situated in the midst of imposing rocks that overlook the Valley of Suppentonia, near the Fortress of Saint Elijah, in the diocese of Nepeta. As history testifies, this valley was inhabited in the sixth century by the sons of Patriarch Benedict; and among them, particularly worthy of remembrance, are Saint Anastasius and his seven companions, of whom Saint Gregory the Great speaks in his Dialogues, relating that a voice from the high altar forewarned them of their impending death and called them to Heaven. Moreover, the grotto, where the image of the most sweet Virgin shone forth, was frequently visited by these holy men, so that, strengthening and confirming their faith and piety; and, as time passed, especially because it was proclaimed that great miracles were wrought there through the intercession of the Virgin, many flocked there from nearby and distant dioceses, some drawn by devotion and others by the condition of their times, who, having invoked the aid of the Virgin, obtained benefits. ACTA, vol. IV, n. 16. — 31-8-912. 41

[*Latin ed. p. 554*]

554 Acta Apostolicae Sedis. - Official Commentary. It was possible to attach some mark of grace to these places. It is known that Saint Joseph, Benedict Labre, upon settling in Rome, for the sake of religion, was ac-

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customed to travel on foot; and it is said that Joseph Andreas Rodius, an inhabitant of that same place, used this very path, which is also a path of piety. It is certainly fitting to remember this place especially, since the event it witnessed moves all who hear of it to great admiration; for when he was absent from the sacred crypt above, he carved a face into the rock with a mason's chisel, and in it he sculpted a spacious and comfortable niche with forty steps, to which he dedicated fourteen years of daily labor. Such piety towards the Virgin could not go unrewarded; and it happened that his body was laid at the feet of the Blessed Virgin Mary. Nor has the fervor of the people diminished in our time; indeed, now that it is permitted for everyone to expiate their sins and approach the sacred assembly in that place, a great multitude of people, especially in May and September, flock to the Sanctuary from all directions. Indeed, Our Predecessor Leo XIII, having diligently considered the matter of this Sanctuary and the sacred buildings it contains, and in order to better provide for their administration, and also to protect the faith of the people of that region, entrusted this office to the members of the Franciscan Order, and chose two of them to carry out this mandate: Gregory Janknecht, then a minister of the Province of the Holy Cross of the Minorites in Saxony, and Joseph Bernard Doebbing, a member of the same province. This man, indeed, was later deservedly appointed bishop of the dioceses of Nepes and Sutrina, and openly and plainly declared that he was confident that, as the devotion to the Virgin at the Rupes increased, considerable benefits and advantages would flow to both dioceses. Nor were the Franciscan men, whom we have mentioned, lacking in their duty; through their diligence and industry, much fortune and dignity have been added to the sacred place, and the clergy and the people have come to believe that they have nothing more precious. And this brought great joy to all, when, by decree of the Order of Canons of the Basilica of the Vatican, a diadem of gold and precious stones was placed upon the most sacred image of the Virgin.

[*Latin ed. p. 555*]

Acta Pii PP. X. 555. In order that, in these matters, we might consider the firm foundation of a work so auspiciously begun, by Our own handwriting, dated the twenty-fourth day of June, We have decreed that all buildings and contiguous places shall cede their jurisdiction to the Apostolic See; and We have entrusted the custody and administration of the premises to the Brothers of the Congregation of Saint Francis in the Province of the Holy Cross in Saxony, perpetually, so that, according to the law, as their minister, he may, with respect to this administration, exercise the functions of the Apostolic See. Now, finally, in order to give this work its culmination, We wish to honor the Sanctuary of Saint Mary of the Rocks and the other sacred buildings which are attached to it, as a special testimony of Our devotion. Therefore, in order that what is due to religion and to the worship

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of the Blessed Virgin may be observed, by Our own Motu Proprio, with due knowledge and mature deliberation, and with the fullness of Apostolic authority, We declare that the Sanctuary of Saint Mary of the Rocks is erected as a minor Basilica, and that it is to be so declared, with all the honors, rights, and privileges that are proper to minor Basilicas. We decree and declare that all that is established and declared in these Our letters shall remain valid and firm, and that it shall be for the future, and that whatever may happen concerning these matters shall be considered to be ratified, notwithstanding any contrary provisions. Given at Rome, near the blessed Apostle Peter, on the eighteenth day of August, in the year 1912, in the tenth year of Our pontificate. PIUS PP. X. APOSTOLIC LETTER. I. CONCERNING THE APPOINTMENT OF A BISHOP OF THE RUSSIAN RITE TO PROVIDE SPIRITUAL ASSISTANCE TO RUSSIANS RESIDING IN THE CANADIAN REGION. PIUS PP. X. For the perpetual memory of this matter. – The office of the supreme apostolate, divinely entrusted to Us, above all things demands that We diligently determine what is necessary for promoting the Catholic name and for providing for the eternal salvation of the faithful throughout the world, in a manner that is good, prosperous, and successful.

[*Latin ed. p. 556*]

Acts of the Apostolic See. - Official Commentary. may occur. Wherefore, to all parts of the world, We, from this Chair of the Princes of the Apostles, as from a lofty vantage point, direct the gaze of Our minds, and We diligently hasten to bring to fruition those matters which seem most fitting for the propagation of the Faith or for the care of the sacred interests, without any delay. With this purpose, since the faithful of the Ruthenian rite are increasing daily in the Canadian region, and the venerable brothers, the Archbishops and Bishops of that region, deeply concerned for their salvation, are unable to adequately provide for their spiritual needs due to the difference in rites and discipline, and since they have earnestly requested Us to deign to provide a suitable remedy for this situation, We, having heard the Most Reverend Fathers and Brothers, Cardinals of the Congregation for the Propagation of the Faith, responsible for the affairs of the Eastern Rites, and having carefully considered all aspects of the matter, have judged that the spiritual assistance of the faithful Ruthenians residing in the Canadian region should be entrusted to a Bishop of the Ruthenian rite. Therefore, with Our apostolic authority, by the present decree, and forever, through Our own initiative and after mature deliberation, We entrust the spiritual assistance of the faithful Ruthenians now and in the future residing in the Canadian region to a Bishop of the Ruthenian rite; but with the following stipulations: I. That the Ruthenian Bishop shall exercise full personal jurisdiction over all the faithful of the Ruthenian rite residing in the aforementioned region, subject only to the venerable brother, the Apos-

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tolic Delegate. II. That the Ruthenian Bishop shall establish his ordinary residence in the city of "Winnipeg." These things We grant, decreeing that these present Letters shall remain forever valid and effective, and shall fully and completely produce and obtain their intended effects, and shall fully assist the faithful of the Ruthenian rite now and in the future residing in the Canadian region; and that it shall be duly judged and determined, and rendered null and void, if anything should be attempted in this regard by anyone, knowingly or unknowingly, with any authority whatsoever. Notwithstanding Our own regulations and those of the Apostolic Chancery regarding matters of law, and other constitutions and apostolic ordinances, including those deserving of special and individual mention and derogation, and all other things to the contrary, whatever they may be. XV. Given at Rome, near the blessed Peter, under the Fisherman's ring, on the day of July, 1912, in the ninth year of Our pontificate. R. L.©S. CARD. MERRY DELA Secretis Status.

[*Latin ed. p. 557*]

557 Acts of Pope Pius X. II. THE FIRST MONASTERY OF SAINT CLARA IN ASSISI IS ENRICHED WITH SPECIAL PRIVILEGES. POPE PIUS X. For the perpetual memory of this event. - Although, in the seventh century, from the blessed beginnings of the Second Order of Saint Francis, which our pious predecessor, Urban IV, named after Saint Clare, we have already granted certain favors to the monasteries of the Poor Clares, we do not wish to let secular celebrations pass without giving a more evident testimony of our piety towards the Seraphic Virgin, the firstborn daughter of Saint Francis. It will certainly be fitting, at a time when so many are departing from the profession of the Christian law, to stir up Catholics to remember the most illustrious sanctity of this Virgin, whose excellent virtues shone so brightly in past ages, so that those who strive to follow the most perfect way of life may find her an example most beneficial to them. The image of this Virgin, the teacher of whom the Franciscan Order justly boasts, is expressed in the most beautiful words by our blessed predecessor, Alexander I: "Clare, illustrious by her merits, shines with great glory in heaven and with sublime miracles on earth. The profound and elevated religion of Clare shines forth here; the magnitude of her eternal reward radiates from here; the magnificence of her virtues illuminates mortals here. To this Clare was granted the highest privilege of poverty; to her is repaid in the highest place an inestimable abundance of treasures; to her is offered a full measure of devotion and honor by Catholics. This Clare distinguished herself here by her shining works; this Clare is illuminated by the fullness of divine light; to Christian peoples, the signs of her prodigies are declared to be wondrous. O Clare, adorned with so many titles of glory! Before your conversion, you were clearly virtuous; in your conversion, you became more brilliant; in your cloistered life, you were most illustrious, and after

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the passing of this present life, you shone forth most clearly! From this Clare, a clear example has been offered to this age; from this, a sweet lily of virginity is offered among the delights of heaven; from this, remedies for earthly needs are made manifest. O wondrous...

Litt. Beata Clara, October 18, 1263. Bulla Clara claris, October 19, or September 26, 1255.

[*Latin ed. p. 558*]

558 Acta Apostolicae Sedis. - Official Commentary. "The blessed Clara's brilliance, the more diligently it is sought in detail, "the more splendid it is found in each detail! This, I say, was evident "in this age; it shone forth in religion; it illuminated the house like a ray, "it sparkled in the cloister like a flash. It shone in life; after death, it "radiates; it is buried in the earth; it shines in heaven. O, what "intensity of this light, and how powerful is this illumination of "brilliance! This light remained enclosed in secret, "emitting shining rays through the cloister and beyond; it was gathered "in the narrow monastery and spread throughout the wide world, "remaining whole and overflowing beyond. For Clara was hidden, "but her life was evident; Clara was silent, but her fame proclaimed; "she was hidden in her cell, and she was known in the cities. And "this is not surprising, for such a bright and shining light could not "be hidden, lest it shine and give light in the house of the Lord. Nor "could such a vessel of so many fragrances be hidden, lest it burn "and perfume the house with its sweet fragrance; indeed, when this "alabaster of her body was crushed in the narrow seclusion of the "monastery, the entire hall of the Church was completely filled with "the fragrance of her sanctity." Then, the aforementioned Pontiff added: "Later, her mother, named Hortulana, devoted to pious works, "received her daughter's footsteps with devotion; in which, finally, "this best Hortulana, who in the garden of the Lord produced such "a plant, happily concluded her days... This was indeed a tall and "outstanding tree, distinguished by long branches, which brought forth "a sweet fruit of religion in the field of the Church; and to whose "delightful shade, under its pleasantness, many daughters of faith "rushed and continue to rush. This was a new woman of the valley "of Spoleto, who brought forth a new fountain of living water for "the refreshment of souls and the benefit of nourishment; which has "already been diverted through various channels into the territory of "the Church, and infuses the plants of religion. This was a high "candlestick of sanctity, brightly shining in the tabernacle of the "Lord; to whose great splendor many draw near, lighting their "lamps with its light. This, indeed, planted and cultivated the "vineyard of poverty in the field of faith, from which the fruits of "salvation are gathered by the poor and the rich. This established "a garden of humility in the property of the Church, a collection of "many things in poverty, in which a great abundance of virtues is "found. This built a fortress of strict abstinence in the district "of religion, in which

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abundant spiritual nourishment is provided. "This was the Primiceria of the poor, the Duchess of the humble, "the Mistress of the continent and the Abbess of the penitent. "This governed her Monastery and the family entrusted to her with "solidity and prudence, in fear and service of the Lord, and with "full observance of the Order, vigilant in care, diligent in ministry, "studious in exhortation."

[*Latin ed. p. 559*]

The Acts of Pope Pius X, 559: "Attentive, diligent in admonition, moderate in correction, temperate in precepts, outstanding in compassion, discreet in silence, mature and thoughtfully in all things suitable for perfect governance, desiring more to serve than to rule, and preferring to be honored rather than to seek honor." His life was an instruction and doctrine for others; in this book of life, others learned the rule of living; in this mirror of life, others beheld the paths of life. For indeed, he stood firm on earth, but his soul soared in heaven: a vessel of humility, a treasury of chastity, a flame of charity, a sweetness of kindness, a strength of patience, a bond of peace and familial communion: mild in word, gentle in deed, and lovable and pleasing in all things." From this, he rightly concludes and reflects: "Let the Mother Church rejoice, that she has begotten and raised up such a daughter, who, like a fertile mother of virtues, has produced many students of religion through her examples; and who has instructed them fully in the service of Christ. Let the devoted multitude of the faithful rejoice, that the King of Heaven and Lord has introduced his sister and companion, whom he had chosen as his bride, into his most excellent and glorious palace, with glory. For let the choirs of the Saints rejoice, that in their heavenly homeland, the new royal bride's nuptials are celebrated." Those nuns who profess the rule of the Second Order, whatever name they may be called by and whatever way of life they may follow, acknowledge that they have Francis as their author and lawgiver; but Clara is truly their mother, for she, together with the Patriarch of Assisi, laid the foundations of their Order; which Urban IV commemorates with the following words: "Blessed Clara, shining in virtue and name, forewarned by divine grace, and instructed by the commendable examples and salutary teachings of the blessed Francis, the Confessor of Christ, wisely chose to live a religious life, preserving herself pure for the Lord, despising the riches and works of this world; and having embraced the habit of the sacred religion, she eagerly pursued the strict path of the Lord's commandments, which, leading her step by step, guides her to life; Christ willed that she should be the cornerstone in the structure of your Order. In her, He evidently showed that He was pleased with this structure; indeed, He erected her sanctity as a title, so that she, shining in the purity of life, might illuminate with her brilliance; and He, through your Order, which took its beginning in her person, as if from its

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very founder,..."

[*Latin ed. p. 560*]

560 Acta Apostolicae Sedis. - Commentarium Officiale. "Wisely, the merits of the approved patroness should be demonstrated, so that the venerable and most worthy [ones] may be proven." Indeed, we have observed that the daughters of Clara are united among themselves in every kind of charity, so that they may strive to emulate the better gifts, and not boast of the greater austerity of their own discipline. It is not unknown to Us that those who are closest to the bishops, and all others who are under the jurisdiction of one of the three Minorite families, recognize and fear in their superiors the very Vicar of Jesus Christ and the seraphic Father; nevertheless, it pleases Us that We have often encouraged the members of the Order of Saint Francis, and We urge them likewise to encourage these [daughters] earnestly: "For if any distinction of legitimate excellence is to be recognized among the Minor Brothers, it should not be based on the fact that one is from a different family, since We have said that all are equal in this regard; but rather, on the fact that one better than another guards charity towards his brethren, especially of other families, in his judgments, words, and deeds; and that one more perfectly observes the prescriptions of the Seraphic Rule, according to the Constitutions of his family."

Therefore, all the most holy daughters of Clara should strive to follow her example with great zeal; above all, they should prefer humility and patience, follow evangelical poverty, and entrust themselves entirely to divine providence. This will be easily attained if they often recall the exhortation of the seraphic Doctor, Saint Bonaventure: "Therefore, O handmaids of God, O handmaids of Christ, be humble, so that pride may never dominate in your hearts, because you have had a humble master, namely our Lord Jesus Christ, and because you have had a humble mistress, namely the Virgin Mary, Queen of all. Be humble, because you have a humble father, namely Blessed Francis; be humble, because you have a humble mother, namely Blessed Clare, an example of humility. But be so humble that the witness of your humility is patience. For the virtue of humility is perfected through patience, and there is no true humility that is not accompanied by patience.

"The pagan seeks riches, who lives without God; the Jew seeks riches, who has received earthly promises; but you, Virgin of Christ, you handmaid of the Lord, with what mind do you seek riches, when you have vowed poverty, when you live among the poor of Jesus Christ, when you wish to be a daughter of the poor father Francis, when you have promised to be an imitator of the poor mother Clare..."

1 2 Litt. Beata Clara, 18 oct. 1263.

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Litt. Septimo iam pleno, 4 oct. 1909.

[*Latin ed. p. 561*]

Acta Pii PP. X. 561 « I know that it is so, that the more fervently you, who are professed lovers of poverty, embrace it, and the more perfectly you imitate the evangelical poverty, the more you will abound in all good things, both temporal and spiritual. But if you turn away from this, if you despise the poverty which you have professed, you will be in want of all good things, both temporal and spiritual... Therefore, if the Lord fed his disciples without any concern while he was among the hard and unbelieving Jews, what wonder if he feeds the Brothers Minor of the same perfection; what wonder if he feeds the poor Sisters, imitators of evangelical poverty, among Christian and faithful people? Therefore, cast all your cares upon him, for he cares for you."

It is certainly to be lamented that the Poor Clares are afflicted by so many inconveniences and are pressed by such grave poverty, especially after they have been deprived of all their possessions by nefarious laws; but if they endure such calamities with a strong spirit and offer their daily sufferings to God, the author of all consolation, it cannot fail to happen that they will draw holy joy from the seraphic poverty. And the aforementioned seraphic Doctor poured forth these prayers for them, and in their name, let them repeat them: "O rich to all, O good Lord Jesus, who can adequately express with words, perceive with the heart, or write with the hand that heavenly glory which you have promised to give to your poor? For they, through voluntary poverty, merit to assist the Creator in his glory; they merit to enter into the powers of the Lord, into those eternal tabernacles, into those most blessed mansions. They merit to become citizens of that city whose artificer and founder is God. For you, with your blessed mouth, have promised this to them, saying: 'Blessed are the poor in spirit, for theirs is the kingdom of heaven.' You yourself, Lord Jesus Christ, are the kingdom of heaven, for you are the King of kings and the Lord of lords. You will give yourself to them as a reward, as a recompense, and as a joy. They will enjoy you, they will rejoice in you, they will be satisfied with you. The poor will eat and be filled, and they will bless the Lord who seeks him; their hearts will live forever and ever. Amen."

1. No one is ignorant of the fact that the Virgin Clare, as if in a holy arena, practiced all the virtues in a wonderful way in the monastery of Saint Damian, near the city of Assisi, and that this place is considered the cradle of the Order, just as the venerable chapel of Santa Maria de Portiuncula is. For it was in that place that she lived her life for forty-two years; to the embrace of the celestial Spouse.

[*Latin ed. p. 562*]

562 Acta Apostolicae Sedis, -r Official Commentary. It flourished; there,

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the most delightful fragrance of its virtues still lingers. The sacred body of the seraphic Father was brought there, so that for the Virgin of Assisi, and for the beloved daughters, there might be an abundance of devotion to Him, and thus the holy Bonaventure recounts these words: "And the brothers and sons, who were called to the passing of the Father, dedicated that night in which the most blessed Confessor of Christ departed, with all the multitude of the people, to divine praises, so that it seemed not a funeral of the deceased, but the watch of the Angels. And in the morning, after it was done, the crowds that had gathered, having received branches of trees and many candles, carried the sacred body to the city of Assisi, singing hymns and canticles. Passing also through the church of Saint Damian, where that noble Virgin, Clara, now glorious in heaven, was then enclosed with the virgins, and having lingered there for a while, they offered the sacred body, adorned with heavenly pearls, to those sacred virgins, so that it might be seen and kissed."

Therefore, the Second Order borrowed several names from the monastic appellation, which were then used by both the ancient writers of Franciscan affairs, and by some of the highest Popes, namely: the Order of Saint Damian, the Order of the Ladies of Saint Damian of Assisi, the Poor enclosed nuns of the Order of Saint Damian of Assisi, the Damianites. But it is of equal, and indeed greater, dignity to note that the temple named after Saint Clara also has the sacred relics of the Virgin of Assisi entrusted to it, which is where the Proto-Monastery of the Second Order was transferred. With these words, Our Blessed Predecessor Leo XIII illustrates: "After the most admirable Virgin, renowned for her virtues, Assisi's Clara, having freed her body from its bonds, ascended to heaven, in the following year, Blessed Alexander IV, in Anagni, with solemn rites, decreed celestial honors for the same Clara. And the same Supreme Pontiff, having given letters to the Bishops of Perugia, Spoleto, and Assisi on this matter, providentially ordered, in the fifth year after the aforementioned solemnity, that the relics of this Virgin be transferred from the altar of Saint George the Martyr to the temple, which was built for the honor of the same Clara, through the munificence of the aforementioned Pontiff. How much piety and devotion, how much joy and consolation, the most beloved relics of their Mother were received by the nuns of Clara, can be conceived by mind and heart, but cannot be expressed in words; and they diligently guarded this sacred treasure with all care and diligence."

Therefore, so many and such great things seem to demand from us that we increase the honors of those two most holy temples.

[*Latin ed. p. 563*]

563 The acts of Pope Pius X, filled with piety and grace, stand as a perpetual monument to the seraphic Virgin, and as a paternal sign of benevolence towards all her daughters, whatever their name or the religious order to

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which they belong, who are devoted to the recitation of the Divine Office and to the sacred liturgy, along with the three Franciscan families. In this matter, we gladly and diligently accede to the most humble requests presented to Us by Our beloved sons, Pacificus of Monza, Victor Maria Sottaz, and Pacificus of Seiano, the general ministers of the three Franciscan Orders, both in their own names and in the names of the individual communities of nuns subject to them. Therefore, by the fullness of Our apostolic authority, We decree, grant, and command the following, perpetually:

I. We erect the Church of the Proto-monastery of Saint Clare in Assisi into a Minor Basilica, and declare it to be so erected, with all the privileges attached to such a Basilica.

II. We grant to the Church of the Proto-monastery of Saint Clare in Assisi, and to the Church of Saint Damian, located near the same city, the perpetual privilege, by virtue of which priests who are to celebrate the Holy Mass may, in the Church of Saint Clare, in the crypt where the body of that Virgin is venerated, as well as at the main altar above the crypt, and at the altar of the annexed ancient Church of Saint George; and in the Church of Saint Damian, at the main or principal altar of the ancient Church of the Poor Clares, and at the altars of the ancient choir of Saint Clare, and at her private chapel and dormitory where she surrendered her spirit to God, celebrate a votive Mass for Saint Clare of Assisi, the Virgin and Foundress of the Second Franciscan Order, according to the form of concession granted to Saint Mary of Angels at Assisi, by Our letters "Perinsignis," dated in Brief form on the 9th of February, in the year 1911.

We confirm the privilege of the most ample exemption granted to the Proto-monastery of Saint Clare by our predecessor, Pope Leo XIII, with these words: "We exempt the monastery of Saint Clare in Assisi from any jurisdiction, and by the tenor of these presents, We declare it to be exempt, and We subject it, together with the nuns and all other persons residing in that monastery, and all that belongs to it, perpetually to the immediate jurisdiction of Ourselves and Our successors. We delegate this jurisdiction to Our venerable brother Aloysius Cardinal Bili, Bishop of Sabina, as Protector of all the Brothers of the Order of Saint Francis of the Observance, and to his successors in this office, for all future times."

1 1 Apostolic Letter, July 30, 1880.

[*Latin ed. p. 564*]

564 Acta Apostolicae Sedis. - Official Commentary. If it should happen that the aforementioned monastery of Santa Maria de Karlova lacks its Cardinal Protector, as is the case today, because We ourselves, for reasons of singular benevolence, have reserved such protection for Ourselves, a Cardinal Legate shall be chosen by the Pope for the time being. However, since the Cardinal Legate will not be able to readily and effectively perform his duties concerning the governance of the monastery, We decree that

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henceforth a Minister Provincial of the Seraphic Order of Santa Clara shall be considered as the born Vicar of the Cardinal Protector or Legate, provided that the Minister General remains within his legal rights. We entrust the office of the Pontifical Legate to Our beloved son, Cardinal Diomedes Falconio, with the title of Santa Maria de Aracoeli, through these Our letters. Finally, We grant, for one year, calculated from the next feast day of Santa Clara, that in all churches of the Second Order, solemn supplications may be held for three days to render due thanks to God for the happy institution of the Order of Santa Clara, provided that the rites prescribed with respect to these supplications held over three days are observed. Whoever participates in these conditions or supplications shall be permitted to deduct from the number of seven hundred days of penance, and, once, to obtain a plenary indulgence, according to the established conditions. Contrary provisions, even those worthy of special mention, notwithstanding. Given at Rome, at St. Peter's, under the Fisherman's Ring, on the ninth day of August, 1832, in the tenth year of Our Pontificate. R. L. Ç£ S. CARD. MERRY DEL VAL, from the Secretariat of State. LETTER. "TO REVEREND FATHER JOSEPH GREDT, OF THE ORDER OF ST. BENEDICT, PHILOSOPHY, FOR HIS WORK DEVOUTLY OFFERED TO THE MOST BLESSED FATHER." Beloved son, greetings and the apostolic blessing. — We know that We have been pleased by your work, when you presented two volumes containing the Elements of Aristotelian-Thomistic Philosophy, recently increased with new additions. To the thanks with which We sincerely acknowledge this act of your piety, We gladly add congratulations: for indeed, in that work, We seem to have seen that you have rightly and with clear order touched upon the entire philosophical discipline, following St. Thomas Aquinas.

[*Latin ed. p. 565*]

565. The Holy Congregation of Religious Orders, desiring to achieve greater results, and exercising wise and prudent judgment, has added the following matters to those already established. It is indeed clear to all that young clerics, whose youth has already been long spent in teaching, will derive greater benefits from philosophical studies, and will be more suitably prepared to defend the Catholic faith, if they add to their knowledge of divine matters. May you, beloved son, receive the apostolic blessing, a testament to Our benevolence and the divine favor of Our works, which We impart to you with heartfelt affection in the Lord. Given in Rome, at St. Peter's, on the tenth day of August, in the tenth year of Our Pontificate. PIUS PP. X.

HOLY CONGREGATION OF RELIGIOUS ORDERS. DECREE CONCERNING THE ADMISSION OF POSTULANTS TO MONASTERIES OF SOLEMN VOWS.

In order that the purpose of perpetually professing the religious life may

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be better fulfilled, and that due consideration may be given to the dignity of the religious state, and in order to diminish, as far as possible, defections, the Most Reverend and Eminent Fathers Cardinals of the Sacred Congregation of Religious Orders, in plenary assemblies held at the Vatican on August 2, 1912, have decreed the following:

1. Any Postulant in monasteries of solemn vows and of papal enclosure may be admitted, without prior permission from the Holy See, provided that all other legally required conditions are observed.

2. Any Postulant, before entering the Novitiate, shall be tested for a period, and in the manner prescribed in the Constitutions of each monastery.

3. If nothing is specified in these Constitutions regarding this matter, then the test shall be carried out for at least six months, provided that the Postulants, admitted within the enclosure of the monastery for the purpose of the test, shall wear a modest-colored habit, distinct from that of the religious.

[*Latin ed. p. 566*]

566 Acta Apostolicae Sedis. - Official Commentary. concerning the habit of the Order, which they do not wear, except when they have properly begun the Novitiate. These matters were faithfully reported to the Most Holy Pope Pius X by the undersigned Secretary of the Sacred Congregation on August 5, 1912; His Holiness deigned to approve and confirm them in the same manner. Contrary opinions notwithstanding. Given in Rome, from the Secretariat of the Sacred Congregation for Religious Orders, on August 15, 1912. Fr. I. C. CARD. VIVES, Prefect. L. © S. f Donatus, Archbishop. Ephesinus, Secretary. DECREE. THE "DE STEYL" DIVINE APOSTOLIC PREFECTURE IS ESTABLISHED IN NYGATA, AND THE SOCIETY OF THE WORD IS CONFIDED. That the Catholic Faith may be propagated and happily confirmed in the Empire of Japan, the prudent Ordinaries of those regions have not hesitated to call upon other religious men, in addition to the students of the Seminary of Paris for missions abroad, to assist them in numerous works of evangelization, instruction, and Christian charity, in order to establish and properly manage them. Among these, the members of the Society of the Divine Word of Steyl, who arrived in Japan five years ago, have so well deserved of the Christian name, offering the best hope of abundant fruit in the future, that, with the consent of the Ordinaries, this Sacred Congregation has decided to entrust them with a separate mission. Concerning this matter, after it was discussed in a general meeting held on the 29th of the preceding month, the Most Reverend and Illustrious Fathers of this Sacred Council decreed that the civil provinces, or *ken*, of Akitaken, Tamagataken, and Nygataken should be separated from the Diocese of Hakodate, and that the civil provinces, or *ken*, of Toyamaken, Ishikawaken, and Fukuiken should be separated from the Archdiocese of Toki, the last of which is also dependent on the Diocese of Osaka; from

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these entire civil provinces, or *ken*, those placed under the jurisdiction of the Ordinaries.

[*Latin ed. p. 567*]

567 S; Congregation of Rites. The Congregations of Hacodatensis, Tokiensis, and Osachensis, having decreed that a vicariate apostolic be established, according to the transmitted geographical chart, to be named the Prefecture of Nygata, and to be entrusted to the care of the Society of the Divine Word of Steyl. This, having been reported to His Most Holy Lord, Pope Pius X, by the Most Reverend Father Gamillo Laurenti, Secretary of the same Congregation, in an audience on the 12th of August following, His Holiness deigned to approve it in all respects, and commanded that the present Decree of this Sacred Congregation be issued. Given at Rome, from the offices of the Sacred Congregation for the Propagation of the Faith, on the 13th of August in the year 1912. Fr. H. M. CARD. GOTTI, Prefect. L. © S. C. Laurenti, Secretary.

SACRED CONGREGATION FOR RITES.

DECREE CONCERNING THE VICARIATE OF NORTHERN NYANZA (CENTRAL AFRICA).

CONCERNING THE BEATIFICATION OR DECLARATION OF MARTYRDOM OF THE TWENTY-TWO VENERABLE SERVANTS OF GOD, CAROLI LUANGA, MATHIAE MURUMBA, AND OTHERS, COMMONLY CALLED "OF UGANDA," WHO, AS IS REPORTED, WERE MURDERED IN HATRED OF THE FAITH.

Since the Most Holy Pope Leo XIII had entrusted to the Archbishop of Algiers, His Eminence Cardinal Charles Lavigerie, the office of governing and promoting the sacred missions in the interior of Africa, a group of missionaries, commonly called the "White Fathers," was established in the city of Algiers itself, who zealously explored those regions and administered the sacred mysteries. The fruits of this ministry, and especially the select first fruits, were evident in the Mission or Vicariate of Northern Nyanza, particularly in the kingdom of Uganda, through twenty-two outstanding black men, almost all of whom were young courtiers of King Mwanga. For, having scarcely been instructed in the Christian religion by the missionaries and baptized, they, having scorned the riches and pleasures of the world, and having endured the greatest torments and sufferings, are said to have offered themselves zealously as a sacrifice of life to God, in order to defend the faith of Christ and to preserve its love.

[*Latin ed. p. 568*]

568 Acta Apostolicae Sedis. - Official Commentary. It is fitting to care-

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fully list the names of these Africans, indicating the suffering they endured under King Mwanga of Uganda from the year 1885 to the year 1887. - I. Dionysius Sebuggwao, a servant of the king, the first victim of the persecution, having confessed that he instructed others in the Christian religion, was pierced by a spear by the king himself. - II. Charles Luanga, a lay brother, baptized on November 16, 1885, after a long and cruel torment, while invoking the holy name of God, was consumed by fire. - III. Bruno Séronkuma, a soldier in the king's army, baptized on November 18, 1885, after being beaten with whips, while praying on the rack, was burned. - IV. Mgagga, a lay brother, a young catechumen, baptized by Luanga himself during the height of the persecution, offered himself with a brave and cheerful spirit to be burned. - V. Gonzague Gonza, a lay brother, baptized on November 17, 1885, showed admirable faith and constancy even before the torturer, and was pierced by a spear. - VI. Mathias Murumba, a man of importance and holding the office of judge, who had previously followed the Muslim sect, and then embraced the Protestant institution, finally, after receiving baptism on May 28, 1881, was enrolled among the Catholics; while steadfastly professing and propagating the faith, he was killed by a terrible torment on the hill of Kampala in Sabarija. - VII. Andrew Kagwa, a lay brother, still a novice, was first declared a leader by the king for his merits, and, excelling in the study of religion, brought many to Christ. Baptized on April 3, 1881, as the king's administrator, or Katikiro, he was accused by the executioner and judge, and had his head and arm cut off. - VIII. Noe Maaggali, gentle and pious, baptized on November 1, 1885, was betrayed by his own master, Mkovenda, out of fear of the king, to those seeking Christians, and died, struck by a spear. - IX. Joseph Mkasa, baptized on April 3, 1831, prefect of the servants of the royal household, accepted and a counselor to all, including the king, was beheaded and consumed by flames on November 16, 1885, falsely accused by the administrators. - X. Pontianus Mgodwé, a lay brother, baptized on November 18, 1885, while detained in prison, when asked by the executioner whether he knew how to pray, answered affirmatively, and therefore died on May 26, 1886, wounded by a spear, in the place called Mugnunu. - XI. Athanasius Badzekuketta, a lay brother, baptized on November 17, 1885, burning with a desire for martyrdom, succumbed to repeated blows on May 27, 1886. - XII. James Buzabaliao, a lay brother, baptized on November 18, 1885, praying for those who would follow, was handed over to the fire at Namungongo on June 3, 1886. - XIII. Kizito, a lay brother, the youngest of the group, the son of a nobleman, baptized and apprehended on the same day, affirmed his faith before the fire and died on June 3, 1886. - XIV. Ambrose Kibuka, a lay brother, baptized on November 17, 1885, was thrown into prison, and, professing his faith before the king, was burned alive on June 3, 1886. - XV. Kyavira, a lay brother, a catechumen, apprehended on the same day that he was baptized by Luanga, and imprisoned, on the following seventh

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day, June 3, 1886, while steadfast in his Christian confession, was burned at Namuyongo.

[*Latin ed. p. 569*]

569 Sacred Congregation of Rites. XVI. Achilles Kiwanuka, a lay brother, was baptized on November 17, 1885, and, both in prison and before the pyre, remained steadfast in the faith; he died in Namuyongo on June 2, 1886. - XVII. Adulphus Rudigo Mkasa, a lay brother, was baptized on November 17, 1885, while in chains and before the fire, professing his faith before the king; he was consumed by fire in Namuyongo on June 3, 1886. XVIII. Mkasa Kilwanvu, a catechumen, having professed himself a Christian, was apprehended and burned in Namuyongo on June 3, 1886. XIX. Ahatolius Kiligawajjo, a lay brother, was baptized on November 17, 1885; rejecting an honor offered by the king, he remained steadfast in his office and Christian profession, and was delivered to the fire in Namuyongo on June 3, 1886. XX. Mbaga Tuzindé, a lay brother, was baptized on the same day by Luanga and, together with him, confessed his faith; he was beaten and, after being thrown into the fire, surrendered his spirit to God on the slope of Namuyongo on July 3, 1886. - XXI. Lucas Banabakintu, baptized on May 28, 1881, was apprehended for defending the Christian faith and condemned to the fire; he lost his life in Namuyongo on June 3, 1886. - XXII. Ioannes Maria Mzée, baptized on November 1, 1885, a man of integrity, of advanced age, and counselor to the brethren, showed admirable care for the sick, whom he comforted, instructed, and baptized while they were suffering from a plague. With a meager diet and through other means, he sought to redeem and educate children and young people, paying the price. Sought after for death and captured, for the sake of maintaining his religion, he willingly and promptly underwent his punishment around January 1887.

Given these facts, the gravity and importance of the cause are sufficiently demonstrated for the greater glory of God and for confirming and spreading the Catholic faith in central Africa; hence the reason for the Ordinary investigation concerning the aforementioned servants of God in the Vicariate of Northern Nyanza, regarding the fame of their martyrdom and the cause thereof. These procedural acts, together with historical documents or letters from Cardinal C. Lavigerie, Archbishop of Carthage and Algiers, Bishop Leonis Livinhac, Apostolic Vicar of Nyanza, and Father Simeonis Lourdel, an Algerian missionary, were transmitted to the Sacred Congregation of Rites. When all was before them for consideration, the Reverend Father Aloysius Burtin, General Procurator of the Society of Algerian Missionaries and advocate for the cause, and attentive to the petitions of numerous archbishops, bishops, and other Holy Prelates from the Vicariates or Apostolic Prefectures, as well as the Generals of Orders or Congregations, the Eminent and Reverend Lord Cardinal Dominic Ferrata, Promoter of the Cause, proposed the following question for discussion in the meetings of

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the Ordinary Congregation of the Sacred Rites, held on the date indicated at Vatican: "Should a Commission for the Introduction of the Cause be appointed in this case and for the purpose under consideration?" And the Eminent and Reverend Fathers, Prefects of the Sacred Congregation for the Propagation of the Faith, after the report of AGÍA, vol. IV, n. 16, - 31-8-912. 42

[*Latin ed. p. 570*]

570 Acts, of the Apostolic See. - Official Commentary. The Eminences, having heard the voice and the written statement of the Reverend Father Alexander Verde, Promoter of the Holy Faith, after careful consideration, deemed it necessary to write: Affirmative, or to approve the Commission, if it pleases the Most Holy [Pope]. August 13, 1912. Subsequently, these matters were brought to the attention of our Most Holy Lord Pope Pius X by a report from the undersigned Secretary of the Sacred Congregation of Rites; and His Holiness, approving the aforementioned decree of the same Sacred Council, deigned to sign the Commission for the introduction of the cause of beatification or declaration of martyrdom of twenty-two Venerable Servants of God, Charles Luanga, Mathias Murumba, and companions, in the kingdom of Uganda in Central Africa, who, as is said, were killed in hatred of the faith. August 14, of the same month and year. Father Sebastian, Cardinal Martinelli, Prefect of the Sacred Roman Congregation. L. >ß S. Father Peter La Fontaine, Bishop of Charyste, Secretary. APOSTOLIC SIGNATURE OF MELITENE. ROYAL SENTENCE CONCERNING FUNERALS OR THE NULLITY OF THE SENTENCE, between the Chapter of the collegiate church of the Blessed Virgin Mary Immaculate in the city of "Cospicua," the plaintiff, represented by its legitimate procurator, Christopher Astorri, advocate, and the Reverend Father Joseph Azzopardi, Vicar of the same Church, the defendant, represented by its legitimate procurator, Vincent Sacconi, advocate. Pope Pius VII, of blessed memory, in the year 1822, in the city of Cospicua, in the diocese of Melitene, established the Chapter of the collegiate church of the Blessed Virgin Mary, conceived without original sin, according to the law that habitual care of souls would be granted to the aforementioned Chapter, and actual care of souls would be granted to the archpriest. However, as has almost always happened, due to the vicissitudes of time, a considerable detriment had been suffered by the canonical benefices of the aforementioned collegiate church; and, on the contrary, the archpriest, who exercised actual care of souls, had a very substantial income from certain and uncertain parochial revenues; the matter was as follows:

[*Latin ed. p. 571*]

Apostolic Signature. The state of affairs, which had been established by the Bull of Pius VII, began to deteriorate. Furthermore, a disagreement

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arose between the archpriest and the canons regarding distributions, and, above all, a controversy instigated by the archpriest himself concerning the right to hold ceremonies according to his own judgment (independently of the Chapter), necessitated that they appeal to Pius VIII, even as the dignitaries and canons of the Chapter themselves made their complaints. The aforementioned Chapter, responding favorably to their prayers, resolved the matter through a Bull dated September 25, 1830, and decreed: "that the aforementioned care of souls, together with all certain and uncertain revenues derived from it in any way, shall, after the aforementioned archpriestship has become vacant through the departure of the then-incumbent archpriest in any manner, be permanently separated, and that the same care, both habitual and actual, and the free exercise thereof, shall be granted and united to the aforementioned Chapter, to be exercised either by dignitaries and canons in turn, or by a secular priest, a *Vicarius Curatus* to be appointed by the Chapter itself and removable at its discretion, but first to be examined and approved by the local Ordinary, with a suitable annual salary to be provided by the aforementioned Chapter; and that all certain and uncertain revenues derived from such care of souls shall be separated from the aforementioned archpriestship and divided equitably among the aforementioned Chapter members, including the aforementioned archpriest, in eighteen shares...". The affairs of the Chapter appeared to have been justly and conveniently settled for both contending parties, such that access to new controversies seemed to be precluded. However, what was hoped for did not occur. New difficulties arose, preventing the Bull of Pius VIII from achieving its intended effect. After a certain period of time, the matter, having been amicably resolved with the Ordinary, and then, with the common consent of the parties, proposed to the Apostolic See, Pius IX, by his Bull dated October 1, 1850, sanctioned and confirmed it forever. Regarding the actual care of souls, the Supreme Pontiff expressly decreed: "It is also understood that the aforementioned regulations of the late Pope Pius VIII concerning the union of the habitual care with the actual favor of the aforementioned Chapter shall remain firm and be confirmed, with the following regulations governing the exercise of that care: '1. That, just as the actual care, united with the habitual care, must be exercised perpetually and immovably by a *Vicarius Curatus* appointed by the entire Chapter, including the archpriest, and confirmed by the Ordinary, in the manner and form specified below."

[*Latin ed. p. 572*]

572. Acta, Apostolicae Sedis. - Official Commentary.

"2. That the administration of the Sacraments and whatever else pertains to the actual care of souls, which is strictly assigned to the vicarius curatus, should pertain solely to him; with the understanding that the rights and privileges of the Chapter, both concerning this office and all others due to

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it as the rector of the church, remain intact and are to be observed.

"3. That the archpriest currently in office shall be permanently excluded from the aforementioned office of vicarius curatus; and that, indeed, if and whenever the vicarius curatus himself should assume the archpriestate, he shall thereby permanently cease from the office of vicarius curatus, and the Chapter shall immediately and without delay proceed to the election of another to fill that office.

"4. That the aforementioned vicarius curatus shall be chosen in turn from among the members of the Chapter itself, in precisely the same manner as was established in the aforementioned letters of Pope Pius VIII, namely, by granting each member of the Chapter the faculty of choosing that office, beginning with the highest dignitary after the archpriest, and so proceeding in order to the lower ranks, and finally to the simple canons, observing the order of seniority in the holding of their canonical offices.

"5. That the one thus elected shall be subject to examination by the Ordinary, as is also contained in the aforementioned letters. However, this examination shall concern not only knowledge, but also other qualities required by law, so that he cannot be confirmed by the Ordinary unless he has been judged by him to be suitable according to the sacred Canons.

"6. That if none of the members of the Chapter wishes to assume the office of vicarius curatus, or if none of them has been approved for that office by the Ordinary, according to the aforementioned form, then another priest outside of that group may be chosen by the Chapter, provided he possesses the necessary qualifications and is examined and approved by the Ordinary as described above.

"7. Concerning the revenues derived from the exercise of the aforementioned pastoral care, it has been established that three hundred annual scutati of Maltese money, entirely free from any charge, shall be permanently assigned to the vicarius curatus as a suitable and just provision; with the understanding that the vicarius curatus may make his own arrangements for obtaining revenues from the offerings which are called the Paschal blessings; the remaining fruits, after deducting the annual pension of fifty scutati of Maltese money, which is a perpetual payment to others, shall, according to the apostolic letters of the same Pope Pius VII, be assigned to the rector of the parish church of Casale Dingli, in Malta, for the time being."

[*Latin ed. p. 573*]

Apostolic Signature. 573: "A reserved diocese is found, and also the compensation for two vicars parochials, to be appointed by the Chapter itself, and removable at its discretion, and finally, the alms of Masses for the people must be yielded to the favor of dignitaries and canons appointed beforehand, and distributed among them according to the form of the afore-

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mentioned letters of Pope Pius VIII, Our Predecessor." For a period of forty years and more, the Chapter seemed to have existed in concord with the curate vicar. But this tranquility ceased in the year 1902; when, for reasons unknown, new disputes regarding the actual care of souls arose again. Therefore, on December 20th of that same year, 1902, eight questions were proposed to the Sacred Congregation of the Council by the disputants, of which the first was: "According to the apostolic constitutions, does the entire actual care of souls belong to the curate vicar in this case?" To which the response was: "Affirmatively, as to its exercise." This explicit response of the Roman Congregation did not succeed in suppressing the discord. Indeed, a new question was proposed by the Chapter to the Melevitan curia, namely: "To whom does the right belong to celebrating the funeral Mass in the presence of the deceased?" The episcopal curia responded on February 3rd, 1905: "The funeral Mass, in the presence of the deceased, is to be celebrated by the curate vicar." Five years later, the same curia, regarding a new question proposed by the Chapter, namely: "Does the right to bless the deceased body, to intone the antiphon 'Exultabunt,' and to determine the route and time of the funeral procession belong to the curate vicar, or not?" issued this judgment on June 28th, 1907: "The right to bless the deceased body, to intone the antiphon 'Exultabunt,' to declare the route by which the body is to be carried, and to determine the time of the funeral, belongs to the curate vicar, after hearing the Chapter regarding the time." The Chapter did not acquiesce to this judgment; but it appealed to the Sacred Congregation of the Council, considering that certain rights were due to it, according to the Piana Constitution of the year 1850, which were being denied by the decision of the Melevitan curia. The appeal, not based on any legal grounds, but simply and plainly presented, was considered by the Sacred Congregation of the Council under the formula: "Read," that is, of no value, and was rejected. However, at the insistence of the Chapter, and with the common consent of the lawyers of both parties, the same appeal was duly received by the Sacred Congregation of the Council. But, at the same time, the pontifical Constitution *Sapienti Consilio* was published, and the aforementioned appeal was brought before the Tribunal of the Sacred Rota, with the following questions proposed: 1. Does the collegiate church chapter of the City of Cospicua have the right to begin the funeral rites by intoning the "Exultabunt Domino,"...?

[*Latin ed. p. 574*]

Acta Apostolicae Sedis. - Official Commentary. 574. Does the washing of the corpse with blessed water, and also the determination of the hour and manner of the funeral rites, pertain to the Chapter? 2. Does the right to celebrate a funeral Mass, in the presence of the corpse, belong to the officiating vicar, according to the law? 3. Does the aforementioned Chapter possess the same right to celebrate a funeral Mass, in the presence of the corpse?

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And the Sacred Roman Rota, by its judgment of July 28, 1911, responded: To 1. Negatively, in all respects; but these rights pertain to the officiating vicar, provided that the Chapter is consulted regarding the determination of the hour. To 2. Negatively. To 3. Negatively, but this right pertains to the officiating vicar in this case. Against this decision of the Sacred Roman Rota, the Chapter of Meleto promoted an appeal to this supreme Apostolic Signatura Tribunal, on the grounds of nullity. Therefore, the case was thoroughly examined in a session of the supreme Tribunal held in the buildings at the Vatican on July 26, 1912, with the Most Reverend Father Basilio Cardinal Pompilj as the relator, and the following question was proposed: Is there any Rotal judgment in this case, and is there a place for its application? The Judges responded: The judgment must be limited to the specific case governed by the particular law that regulates the actual exercise of the care of the collegiate church of the Blessed Virgin Mary Immaculate in the city of "Cospicua" by the officiating vicar perpetual; namely, the Bull of Pius VIII dated September 25, 1830, and the Ordinary Convention with the Chapter approved and confirmed by the Bull of Pius IX dated October 1, 1850; taking also into account subsequent observances. Regarding the judicial expenses, the supreme Tribunal decreed that they should be shared between the parties. And thus it was promulgated, pronounced, decreed, declared, and definitively judged; and it was ordered that this definitive judgment be made public and that it be enforced by all to whom it applies, not only, etc., but also by all, etc. Given at Rome, in the halls of the sacred Tribunal, on the twentieth day of the month of August, 1912, by Nicolaus Marini, Secretary. L. © S. Iosephus Adv. Fornari, S. T. A.

[*Latin ed. p. 575*]

Diary of the Roman Curia. 575 DIARY OF THE ROMAN CURIA. SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH. By a letter from the Cardinal Prefect of Propaganda, the Holy Father deigned to appoint: August 27, 1912. — The Reverend Father Bartolomeo Cattaneo, canon of the Cathedral of Novara, Rector of the Urban College of Propaganda Fide.

SECRETARY OF STATE. APPOINTMENTS. By a letter from the Secretary of State, the Holy Father deigned to appoint: August 21, 1912. — His Eminence Cardinal Gennaro Granito di Belmonte, Protector of the Institute of the Reparators of the Most Sacred Heart, of Naples.

By an Apostolic Brief, the Holy Father deigned to appoint: Domestic Prelate of His Holiness: August 19, 1912. — The Reverend Father Carlo Amieux, General Vicar of the diocese of Guadeloupe.

HONORS. By Apostolic Briefs, the Holy Father deigned to bestow the following honors: The Grand Cross of the Order of Saint Gregory the Great, civil class. August 19, 1912. — To the Most Noble Count Jaroslao de Thun-Hohenstein, of the archdiocese of Olomouc.

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The Knighthood of the Order of Saint Gregory the Great, civil class: August 10, 1912. — To the Most Noble Signor Giuseppe Bachmair, of Munich of Bavaria.

[*Latin ed. p. 576*]

576 Acta Apostolicae Sedis. - Commentary of the Official Records. 1 The Knighthood of the Order of Saint Gregory the Great, military class: August 7, 1912. — To Mr. Sigismondo Ránffy, Director of the Military School in Nagy-Varad, in Hungary. The Knighthood of the Order of Saint Sylvester the Pope: August 17, 1912. — To Mr. Casimiro Mottironi, of Rome. NECROLOGY. August 20, 1912. — The Most Reverend Cardinal Giuseppe Samassa, Archbishop of Agria (Erlau). August 26. — Monsignor Giuseppe Alves de Mariz, Bishop of Braganza.

[*Latin ed. p. 577*]

Year IV. - Vol. IV. September 16, 1912. No. 17. OFFICIAL COMMENTARY OF THE ACTS OF THE APOSTOLIC SEE. ACTS OF POPE PIUS X. LETTER I. TO THE REVEREND FATHER LUDOVIC ERNEST DUBOIS, ARCHBISHOP OF BITURICENSEM, CONCERNING THE LATIN LANGUAGE, ACCORDING TO THE USAGE OF ROME IN PRONUNCIATION. Venerable brother, Your letter of June 21st last, as well as those which We have received from a great number of pious and distinguished French Catholics, have informed Us, to Our great satisfaction, that, since the promulgation of Our Motu proprio of November 22, 1904, concerning sacred music, great zeal is being applied in various dioceses of France to ensure that the pronunciation of the Latin language more and more approaches that used in Rome; and that efforts are being made to render the execution of Gregorian melodies, which We have restored to their ancient, traditional form, more perfect, according to the best rules of the art. You yourself, when you held the episcopal see of Verdun, had entered this path and had taken, in order to succeed, useful and important measures. We learn, moreover, with great pleasure, that this reform has already spread in many places, and that it has been successfully introduced in a large number of cathedrals, seminaries, colleges, and even in simple country churches. Indeed, the question of the pronunciation of Latin is intimately linked to that of the restoration of Gregorian chant, a constant object of Our thoughts and recommendations, since the beginning of Our pontificate. ACTS, vol. IV, no. 17. - September 16, 1912. 43.

[*Latin ed. p. 578*]

578 Acta Apostolicae Sedis. - Official Commentary. The accent and pronunciation of Latin had a great influence on the melodic and rhythmic formation of the Gregorian chant; and therefore, it is important that these melodies be reproduced, in performance, in the manner in which they were

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artistically conceived from their origin. Furthermore, the dissemination of the Roman pronunciation will also have this further advantage, as you have very aptly observed, of further consolidating the work of liturgical unity in France, a unity achieved by the blessed return to the Roman liturgy and the Gregorian chant. Therefore, We desire that the movement to return to the Roman pronunciation of Latin continue with the same zeal and the same consoling successes that have marked its progressive course thus far; and for the reasons stated above, We hope that, under your direction and that of the other members of the episcopate, this reform may happily spread throughout all the dioceses of France. As a pledge of heavenly favors, to you, venerable brother, to your diocesans, and to all those who have addressed us with requests similar to yours, We wholeheartedly grant the apostolic blessing. From the Vatican, July 10, 1912. PIUS PP. X. TO ANTONIUS CARDINAL FISCHER, ARCHBISHOP OF COLOGNE, ON THE OCCASION OF THE MARIAN CONVENT HELD IN TREVES. Beloved son, greetings and the apostolic blessing. — To the Catholic people whom piety towards the most holy Mother of God will gather in Treves next August, We have already prayed earnestly, when We first received news of this matter. Now, however, as the appointed time approaches, We address you in these letters, beloved son, knowing that you will be present at this gathering, and We gladly reiterate what We have expressed, and We earnestly urge all those to whom it is permissible to do so to attend this assembly. We have observed that the topics to be presented by selected speakers are such that they will exercise considerable skill, and will abundantly provide others with opportunities to kindle and foster their love for the Mother of God. In these topics, it is pleasing to see that Mary, with her almost infinite dignity,

[*Latin ed. p. 579*]

The acts of Pope Pius X, number 579, clearly demonstrate a most ardent desire for the poor. Indeed, these things conspire to place all hope in the Virgin, and to flee to Her, as to a haven of peace and tranquility, all those who are troubled by the bitter distinctions of this life and of eternal salvation. But let these very arguments be so presented that the better intentions and more fervent studies of those present may be directed towards this goal: that it be determined by what means the faithful of Christ can best be aided and encouraged to express the virtues of the most august Mother through their conduct. For this regard for the action of Christian life, and indeed this paramount concern for referring all things to the improvement of morals, must be prominent in all Catholic gatherings, which are especially convened so that, through common counsel and common effort, greater safeguards may be provided for the cultivation of the virtues. These are the reasons for the desire with which we await the happy fruits of this gathering. And that it may be easier to obtain these from the benevolent God, you, our beloved son, gathered in our name, grant full remission of sins,

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according to the established conditions. Meanwhile, under the auspices of divine works, we impart to you, and to all those who are working to prepare for the gathering in Treves and who participate in it, our apostolic blessing, with heartfelt affection in the Lord. Given in Rome, at St. Peter's, on the tenth day of July, 1912, in the ninth year of Our pontificate. PIUS PP. X.

To His Eminence, Cardinal GULIELMUM VAN ROSSUM, to whom the office of legate of the Holy See is entrusted for the Eucharistic Congress in Vindobona.

Our beloved son, greetings and our apostolic blessing.

— Regarding the solemn Eucharistic Congress of the Catholic world, which you know is to be held this year in Vindobona in September, and from which one of the Cardinals of the Holy Roman Church must be chosen to represent Us, We deem it fitting, our beloved son, to entrust you with this office; therefore, We declare you Our legate through these very letters. You are worthy of this honorable mission, both by your singular prudence and by your piety; and We have no doubt that you will carry out this task in such a way that you will bring not only honor to the authority of the papacy, but also joy to Our heart, which, as is fitting, eagerly desires all things that pertain to the increase of the worship of the Divine Sacrament. Indeed, We would very much like to—

[*Latin ed. p. 580*]

580 Acta Apostolicae Sedis. - Official Commentary. These sentiments will be present at these sacred celebrations, which you will preside over, in Our name: therefore, they will be diminished in splendor and magnificence, and full of holy joy. For it is the zeal of the most distinguished men, who take care of all the preparations; it is the frequency of the most devout citizens, who contribute their efforts and devotion; it is the amplitude and dignity of the city, into which a multitude from all nations will gather day by day, so that the honors due to the most sacred Eucharist may be, if ever, and truly, triumphant. In this regard, special and most heartfelt praise is due to Our most beloved son, Francis Joseph, Emperor and apostolic King, who, as he is most diligent in religion and most devoted to Us, has diligently pursued the plan for this gathering with every grace, and intends to ennoble the solemn celebrations with the splendor of his majesty; whose example is already being followed by the most serene Archduchess and the primary matron of the House of Augusta with incredible diligence. Therefore, the gathering in Vienna will be, as it appears, remarkable for the glory of Jesus Christ; but we also desire that it be for the common good. It is indeed much to bring together good men to contemplate the Mystery of the Eucharist, and to pray together, so that they may become better every day. But those who rightly venerate this Sacrament of charity should not so strive for their own benefit as to neglect the salvation of many, whom ignorance, carelessness, or aversion prevents from partaking

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of this divine repast. Let them see how dangerously human society is ailing, and how much all virtues languish, when it separates itself from Him who alone can care for it; although His immense love for mankind, the author of this Sacrament, constantly depicts Himself on earth, though unseen. Therefore, we urge them to strive with the utmost effort to ensure that, from the Eucharist, as from its most abundant source, the life of Jesus may flow more abundantly into all, not only into the souls of individuals and their private conduct, but also into the institutions of the people and the entire order of the state. For it is not permissible to live virtuously in private, or to publicly maintain the tranquility of order, unless the divine power of religion restrains the turbulent movements of the soul, and persuades one to despise these fleeting goods in expectation of eternal ones. We commend your youth to you with common counsel and study; for since it contains the hope of the future, it is not surprising that it is most sought after by the enemies of the Cross of Christ, either through deceitful doctrines or through the allurements of pleasures. However, we are confident that as many young people as participate in the gathering in Vienna will henceforth steadfastly maintain their Catholic profession in all their actions, and courageously defend it. Furthermore, the divine Redeemer of mankind, whose infinite praises will be sung,

[*Latin ed. p. 581*]

581 The Acts of Pope Pius X, proclaimed by excellent orators; whose benevolence will be implored by the most fervent supplications; He Himself, who has nothing older than to refresh those who labor and are burdened, will surely pour forth the abundance of His gifts upon such a gathering. May the apostolic blessing be upon you, beloved son, and upon all who are present at this gathering, and especially upon the most august Emperor and his most serene House, which we impart with the greatest affection. Given in Rome, at St. Peter's, on the fifteenth day of the month of August, in the year 1912, in the tenth year of Our Pontificate. PIUS PP. X. TO DOMINIC CHARLES, IN MEMORY OF JOHN, PRIEST OF VICENZA, ITALY, FOR THE IMMIGRANTS, AND AS MODERATOR OF THE BAPTIST ASSOCIATION, ON THE OCCASION OF THE CELEBRATIONS OF THE SCALABRINI INSTITUTE. Beloved son, greetings and the apostolic blessing. — Know that We are greatly pleased by the pious acts with which you and your students of the discipline desire to celebrate the memory of John, Bishop of Piacenza, by whom, twenty-five years hence, the beginnings and growth of this Institute were fostered. We gladly seize the opportunity to commemorate also how well this most esteemed man deservedly earned the esteem of the Church and of the state, who, striving to provide religious assistance to his people migrating to the distant regions of America, and to honor the apostolic men whom his zeal has gathered with you to serve as ambassadors for Christ among the scattered citizens of Italy. Indeed, the

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work is abundant, as the number of those drawn by the desire for gain to foreign lands increases daily, and the dangers to them multiply both from the difficulties of the places and from the insidious attacks of the wicked. Let your priests, therefore, see how many opportunities for good are presented to them, how great is the task assigned to them by God! As for Us, you will not easily find in which matters Our cares and thoughts are more deeply concerned. And therefore, as on other occasions, whenever the opportunity has presented itself, and now in particular, for the cause of the Italian immigrants, we commend you and yours as much as we can. You, for your part, continue to embrace your citizens with Christian charity; continue with wise counsel, works, and the diligent exercise of the priestly ministry, for their good and their salvation.

[*Latin ed. p. 582*]

582 Acta Apostolicae Sedis. - Official Commentary. And let this be impressed upon your minds, that scarcely anything can be accomplished by you which is pleasing to Us, or which is more fitting for your endeavors in religion and for the good of your country. May the blessing of divine grace and the witness of Our apostolic benevolence be upon you, beloved sons, which We impart to you and to all of yours with heartfelt affection in the Lord. Given in Rome, at St. Peter's, on the , i v of September, 1912, in the tenth year of Our Pontificate. PIUS PP. X. To the Most Reverend and Reverend: PACIFICUS MONZA, VICTORIA MARIA SOTTAZ, PACIFICUS A SEIANO, concerning the discipline of the Third Order of St. Francis, with caution regarding the instruction of the younger members, so that no one may deviate from the general rules concerning the matter. Beloved sons, greetings and apostolic blessing. — The Third Franciscan Order, which is called secular, is flourishing throughout the world, not only in the number of its members but also in its activities; this is evidenced by numerous accounts of the Order, by frequent pilgrimages to the most sacred places, and by the frequent celebration of gatherings, of which We would like to mention one that was recently held in this venerable City of Ours. These are certainly things to be rejoiced in, and they give Us cause to congratulate you, beloved sons, who are members of the Third Order and who have masters and leaders among you. But nevertheless, We are concerned by certain signs that We have observed for some time, lest, under the guise of seeking greater merit in the eyes of human society, a somewhat unwise pursuit of novelties insinuate itself into the Third Order in some places, and gradually distort it from its original purpose, as intended by the most holy Francis. Therefore, in order to communicate Our thoughts with you concerning this very serious matter, We have decided today to address you, beloved sons, in a somewhat more detailed manner. First of all, We believe it is necessary, beloved sons, to more and more clearly declare to the public what the will of the Founder is for the Third Order, and what end it is

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intended to serve; and to show that it differs from the other two Orders only in that it strives for the same purpose by a certain specific means. For, as Our blessed predecessor, Pope Leo XIII, said, "The Franciscan institutions are entirely devoted to the observance of the commandments of Jesus Christ." For the most holy Founder intended nothing else.

[*Latin ed. p. 583*]

Acta PP. X. 583: "So that, as in a certain arena, Christian life might be practiced more diligently. Indeed, the two Franciscan Orders, having been instructed in great matters, pursue something more perfect and divine: but they are few, namely, those to whom God has granted the grace to strive for the sanctity of the evangelical counsels with a particular excellence. But the Third Order is suited to the multitude; and, as far as possible, it promotes just, virtuous, and religious conduct, as the monuments of former times and the facts themselves declare" (Const. Misericors Dei Filius). Furthermore, the Patriarch of Assisi himself, when he distinguished the Third Order by the name of Brothers of Penance, clearly taught that these two things are proper to the Tertiaries: fraternal concord among themselves and a devotion to penance. As for the first, it has always been the concern, thought, and desire of our predecessors, the Roman Pontiffs, that the Franciscan Tertiaries, referring to the seraphic Father's charity through the union of souls, should form one body. We also, in our apostolic letters, now in their seventh century, have urged the religious of the first Order to remember that they ought to be inflamed with fraternal charity, which indeed ought to extend even to the Third Order. This charity must not only prevail among the Tertiaries of one and the same sodality, but also among the sodalities of the Tertiaries; just as the monasteries of any religious Order are joined together by a bond of friendship, so too are the sodalities of the Third Order. It is fitting at this point to recall what We wrote to the Tertiaries of Rome on December 17, 1909: "Since it has been discovered that united forces are more effective than individual ones, it is evident how zealously the enemies of the Catholic name are united, so that their nefarious purposes may be achieved more certainly. Therefore, to resist them properly, all good people must unite, and first of all those who, by the institution of the Patriarch of Assisi, ought to know and live according to Christian principles, and to foster and defend the Christian faith and morals among the people." Therefore, we reaffirm this union of forces, but with this condition: that no new discipline be introduced, but that the mutual reasons that exist among the sodalities be regulated solely by the directors of the sodalities themselves. As for the second, let us use the words of our predecessor: "The head of Our recommendation is that those who have put on the insignia of penance should contemplate the image of their most holy Author, and strive towards it, without which, nothing good would result from it" (loc. cit.). Indeed, it was this that Francis received

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most of all from God, as testified by Bonaventure, that he should preach penance, and lead men away from the love of this world to the love of the Crucified. Therefore, he always mortified himself in the image of Jesus.

[*Latin ed. p. 584*]

584 Acta Apostolicae Sedis. - Official Commentary. While carrying his body, having aroused everywhere both admiration and weariness of the world, and a desire for the Cross, he divinely conceived how he might satisfy the eagerness of the multitude of his institute, and at the same time contain it within the bounds of common life. Thus, this Third Order was founded; which has been wonderfully salutary both for the Church and for the State, as long as it has religiously preserved that original form of penance. Therefore, there is no doubt that it will always produce similar fruits, if it preserves that very form in a similar manner in the future. Indeed, the laws of this Order are excellently suited to achieve both of the things we have mentioned; therefore, the observance of these laws by the Tertiaries must be sacred.

First of all, care is taken that those who are to be admitted as members are sincere in their faith and obedient to the Church of Rome and the Apostolic See, following the example of Father Francis, whose faith was honored with the highest praise by our predecessor, Nicholas IV, in the Constitution *Supra montem*. And so that this virtue may not be endangered, they are instructed to abstain from reading pernicious books and journals; but those writings which defend religion, they should not only read, but also take care to spread them among the people. Furthermore, as much as possible, they should be present in their parish church and assist the clergy in instructing the young and the less educated in the Christian doctrine. Then, they must arrange their conduct in such a way that they appear to follow the most perfect rule of Christian life. Therefore, they should strive to avoid delicate amusements, banquets, and immodest games; they should frequently confess their sins and approach the Divine Table; they should be an example to their families and fellow citizens; and they should endeavor to bring back those who have strayed from virtue to the path of good. But above all, the Tertiaries must remember that they will be less worthy of this name, unless they are inflamed with charity towards God and their neighbors, and, as that seraphic Patriarch so wonderfully demonstrated in virtue, they should bear this same virtue, as a badge of their Order. For since the proof of love is the work, they are bound by law to show all kindness to their fellow members and to strangers, and to diligently strive to reconcile discord; to visit the sick; to assist the poor, and to strive to perform all those works which are called works of mercy. Since the governance of the Third Order belongs to the religious of the First Order, the presidents or visitors of the sodalities are chosen from among those who have been piously devoted to monastic solitude, and who imitate their

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Founder so that, by the virtues with which He shone, they may inspire the members of the Third Order. But in this present time of such bitterness, when there is always to be feared that some calamity may befall the First Order, if we wish to maintain the Third Order intact, nothing seems more appropriate than that the sodalities should...

[*Latin ed. p. 585*]

The acts of Pope Pius X, 585, state that such [sodalities] are not only established in the monasteries of the First Orders, but also in other churches, especially parish churches, with their administration entrusted to the chapters, with the advice of the bishops, unless local circumstances suggest otherwise, always respecting the rights and office of the prelates of the First Order; which certainly does not conflict with the nature of the Third Order, but rather is entirely suitable and consistent with it. For it is clear to all that the members will be of even greater help to the chapters in promoting the salvation of souls. Therefore, from what has been said, we believe it is clear that the purpose of the Third Order is to enable its members to put the precepts of evangelical perfection into daily practice, and to present a model of Christian life for others to imitate. It follows that the sodalities of the Third Order, as such, should in no way become involved in civil or purely economic matters; if they do, they will be acting in a way that is most alien to their purpose and contrary to Our will. However, the members of the Third Order will truly benefit the Christian cause if each, under the name of a Catholic society, strives to fulfill its own particular purpose; nor are they forbidden from engaging in social action, provided it is approved by the Apostolic See. But care must be taken that the Third Order itself does not encroach on the areas of these societies, or make their own purpose its own. If anyone among the members of the Third Order, for reasons of piety and beneficence, establishes a new society, we wish that this society to be fully subject to the bishop, and to be governed by one whom the bishop approves, even if the superiors of the Third Order have been instrumental in the founding of the society. With regard to the meetings of the sodalities, it is necessary to establish certain limits for them, which, dear children, you must not allow anyone to exceed. Therefore, these points must be carefully observed: I. Only religious from the First Order should form a group or assembly of members of the Third Order, and they should preside over it; if the members come from a district, the custos or guardian of the monastery should preside; if from a province, the provincial minister; if from several provinces, the general minister of the Order. Those who preside by right have the authority to draw up and present documents on matters for discussion; but no one shall have the right to speak on any matter unless they first ask permission of the presiding officer and obtain permission to speak. II. No one shall be allowed to argue about matters that are not in accordance with the nature, purpose, and laws of the Third Order, and

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with the prescriptions given by the Roman Pontiffs on this very subject; but questions of a purely economic and social nature should be postponed. III. Since the Order of Saint Francis has as its own and unique characteristic the closest adherence to the Vicar of Jesus Christ, the members of the Third Order should, in their own

[*Latin ed. p. 586*]

586 Acta Apostolicae Sedis. - Official Commentary. The Pope and, secondly, the general ministers of the Orders are to solemnly remind the assembled group not to omit this. IV. The acts of the gatherings or conventions are not to be made public, unless with the consent of the general minister of the Order. If three general ministers of the Franciscan Order are present at a convention, they shall preside over it together, since they are equal in dignity and power; and the acts are not to be published until their common approval has been obtained. These things, for the sake of the benevolence with which we embrace the Third Order, we have decreed; and we trust that all the members of the Third Order, wherever they may be throughout the Catholic world, will strive with the utmost zeal to follow the footsteps of their seraphic Father. That this may come to pass according to their vows, we impart to you, our beloved sons, and to the entire Franciscan Order, our apostolic blessing. Given at Rome, near the blessed Peter, on the eighth day of the month of September, in the year 1912, in the tenth year of Our Pontificate. PIUS PP. X. S. CONGREGATIO S. OFFICII i. DECREE WHEREBY CERTAIN BOOKS AND PUBLICATIONS ARE PROHIBITED. Thursday, August 28, 1912. In a general meeting held in the buildings of the Holy Office, the most eminent and most reverend DD. Cardinals, general inquisitors, condemned and proscribed, and ordered to be placed on the Index of Prohibited Books, the work entitled: *Cenni biografici della Serva di Dio Paola Mandatori-Sacchetti* by Valeriano Abb. Ferracci, parish priest in Vallecorsa, Rome, Tipografia Sociale Polizzi e Valentini, 1905. Furthermore, they condemned and proscribed the inscription: *Un portrait merveilleux*, placed on the image of the Most Sacred Heart of Jesus, published by Peter Brion (26, Rue Auguste Mérillon, Bordeaux); and they forbade that image to be printed or published in the future, unless any mention of the asserted portentous origin has been completely removed from it.

[*Latin ed. p. 587*]

587. The Holy Congregation of the Holy Office. And on the following Friday, the 29th of the same month and year, the Most Holy Pope Pius X, by divine Providence, approved and confirmed the decree of the most eminent and most reverend Fathers concerning the Indulgences and Privileges granted by the Supreme Pontiffs to the Venerable Archiconfraternity of the Doctrine of the Most Holy Mary of Supplication, canonically erected in the Church of the Conception. Given in Rome, from the offices of the Holy

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Office, on the 7th of September, 1912. L. S. Aloysius Castellano, S. R. et U. T., Notary.

(SECTION ON INDULGENCES).

SUMMARY OF INDULGENCES AND PRIVILEGES GRANTED BY THE SUPREME PONTIFFS TO THE VENERABLE ARCHICONFRATERNITY OF THE DOCTRINE OF THE MOST HOLY MARY OF SUPPLICATION, ERECTED IN THE CHURCH OF THE CONCEPTION.

A. - Indulgences.

I. Plenary Indulgences.

1. To all the Christian faithful, having confessed and received Holy Communion, on the day of their entrance into the Confraternity.

2. To all and each of the Confraters, having confessed and received Holy Communion, on the day of the principal feast of the Confraternity.

3. To the same Confraters, also having confessed and received Holy Communion, on the following feast days: Easter of the Resurrection, the Nativity of the Lord, Pentecost, Epiphany, Ascension, Circumcision, Corpus Christi, the Assumption, and the Conception of the Blessed Virgin Mary, of Mary of Supplication (title of the Archiconfraternity's church), of Joseph, of the Holy Apostles Peter and Paul, of All Saints, of Charles Borromeo, of Joseph Calasanctius.

4. To the same Confraters, at the point of death, if they have confessed and received Holy Communion, or at least if they are contrite, and if they have devoutly invoked the most holy Name of Jesus, either with their mouth if they are able, or with their heart, and if they have accepted death as the punishment for sin from the hand of the Lord.

II. Indulgences of the Stations of the City, which the Confraters may obtain under the specified conditions, if on the days noted in the Roman Missal, they have taught Christian doctrine, or if they have diligently supervised those who are properly carrying out the task while others are teaching. All the faithful may also obtain these indulgences who have attended the explanation of Christian doctrine.

III. Partial Indulgences in favor of the Members.

1. Ten years, if they leave the city to go to villages and fields to teach Christian doctrine.

2. Seven years, and also forty days, if, having confessed, they receive the Holy Communion on the day and at the place where the Confraternity is established; also, once a month, if, having confessed, they receive Holy Communion.

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3.

[*Latin ed. p. 588*]

Acts of the Apostolic See. - Official Commentary. 588 days of years, if, having been marked with the priestly character, they have given a sermon or religious instruction in some church or oratory of the Confraternity; also, if they travel through the city, leading men, women, and children to religious instruction; also, if they have accompanied the Most Holy Sacrament to the sick; 4. Three years, if they join the deceased members at the cemetery, or attend a funeral to pray for their souls; 5. Two hundred days, if they diligently ensure that boys, servants, and others participate in the sacred instruction; also, if they visit sick members; also, if they attend the offices or meetings of the Confraternity, or processions instituted by the same with the consent of the Ordinary; 6. One hundred days, if they publicly or privately impart Christian instruction on weekdays. All of the aforementioned Indulgences, with the exception of the one to be obtained at the hour of death, can also be applied to the souls of the deceased. B. - Privileges. 1. All priests enrolled in the Sodality can enjoy the privilege of the altar four times a week, for the benefit of the soul of any faithful person. All Masses, which are celebrated for the soul of any deceased member by any priest, at any altar, can benefit that soul as if they had been celebrated at a privileged altar. (From an audience with the Most Holy Father, on June 6, 1912). The Most Holy Lord, Pope Pius, of blessed memory, having graciously approved the summary described above, also ordered that only the Indulgences and Privileges mentioned therein may be enjoyed by the aforementioned Archiconfraternity in the future. Contrary provisions notwithstanding. M. CARD. RAMPOLLA. L. rB S. f D. Archbishop of Seleucia, Adjutant Secretary of His Holiness.

[*Latin ed. p. 589*]

S. Congregation of Religious*. 589 S. CONGREGATION OF RELIGIOUS DECREE CONCERNING RELIGIOUS PROFESSION PERMITTED IN CASE OF MORTAL DANGER. Wishing to provide spiritual consolation to the novices of Santo Domingo, and lest they be deprived of the merits of the heavenly religious profession, which professed nuns enjoy through the benevolence of the Holy See, Pope Pius V, by the Constitution *Summi Sacerdotii* issued on August 23, 1570, granted and permitted that whenever any of these novices, not yet professed, were deemed by the judgment of a physician to be about to pass from this world, they, provided they had reached the age of legitimate adulthood, might, in articulo mortis, make their regular profession before the end of their novitiate; and thus, novices thus approaching death could obtain the indulgences and other graces which are granted to truly professed nuns. Moreover, He deigned to grant to these novices, thus professed, who

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died in this manner, a plenary remission of all their sins, in the form of a Jubilee. This favor, by virtue of the communication of privileges, was extended to all nuns and religious men who share in the privileges of the Dominican family. Similarly, other religious institutes have subsequently obtained a similar privilege from the Roman Pontiff, or a provision has been included in their Constitutions, approved by the Holy See, which allows novices who are in mortal danger to receive profession before the novitiate is completed. Indeed, there are also superiors of religious orders who, believing that they can make all members of their institute partakers of spiritual goods, admit those novices who are seriously ill to make even perpetual profession. Therefore, our most holy Pope Pius X, in an audience granted to the undersigned Cardinal Prefect on September 3, 1912, in order to remove all doubts in such a serious matter, and desiring to extend this privilege for the good of souls, deigned to establish the following: In any Order, or any Congregation or Society religious, or monastery, whether of men or women, or even in institutes in which, although vows are not taken, a communal life is nevertheless lived according to the manner of religious, it is permitted that novices, or candidates, who are seriously ill, according to the judgment of a physician, so that they are considered to be in articulo mortis, may...

[*Latin ed. p. 590*]

590 Acta Apostolicae Sedis. - Official Commentary. they lie, in admitting to profession or consecration, or to a promise, according to their own Rules or Constitutions, even though the time of novitiate or probation has not yet been completed. However, that a novice or one under probation may be admitted to the aforementioned profession or consecration or promise, it is necessary that: 1. They have begun their novitiate or probation canonically. 2. The Superior who admits the novice or one under probation to profession or consecration or promise must be that one who actually governs the monastery or the house of novitiates or of those under probation. 3. The formula of profession or consecration or promise must be the same as that in use within the Institute, except in the case of illness; and the vows, if they are pronounced, must be pronounced without any determination of time or with perpetuality. 4. He who has made such a profession, consecration, or promise shall participate in all the indulgences, suffrages, and graces that truly professed religious in the same Institute obtain upon their death; and to him, a plenary remission and forgiveness of all his sins is mercifully granted in the form of a Jubilee, in the Lord. 5. This profession or consecration or promise, besides the graces mentioned in the preceding article, produces no other effect whatsoever. Therefore: A) if a novice or one under probation dies intestate after such profession or consecration or promise, the Institute will not be able to claim any goods or rights belonging to him; B) if he recovers before the time of his novitiate or probation expires, he

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shall be in exactly the same condition as if he had not made any profession; therefore: a) he may freely return to the world, if he wishes; and b) the Superiors may dismiss him; c) he must complete the entire period of novitiate or probation established in each Institute, even if it is more than one year; d) upon completion of this time, if he perseveres, a new profession or consecration or promise must be made. Contrary provisions notwithstanding. Given in Rome, from the Secretariat of the Holy Congregation of Religious, on the 10th of September, 1912. I. C. CARD. VIVES, Prefect. L. Eg S. f Donatus, Archbishop. Ephesinus, Secretary.

[*Latin ed. p. 591*]

The Roman Rota. 591 SACRED ROMAN ROTA, COLONY, OR MONASTERY. CONCERNING SUSPENSION AND JURISDICTION. During the blessed reign of Pope Pius X, in the ninth year of his pontificate, on May 31, 1912, the Most Reverend and Reverend Fathers Michael Lega, Dean, Ponens, William Sebastianelli, and Seraphinus Many, Auditors, in the cause of appeal "Colony. Monastery. - Concerning suspension and jurisdiction," between the Officialate of Colony, the appellant, and the priest Joseph Schmelcher, the appellee, represented by the legitimate procurator, the advocate Hector De Angelis, with the intervention and participation of the Promoter of Justice, rendered the following final judgment. The priest Joseph Schmelcher obtained the parish of Tenhoven, in the archdiocese of Colony, on March 26, 1903, but he did not administer it for even one year, because although he began to fulfill the duties of a good pastor, he could not avoid the obstacle that had offended others in the exercise of their duties; namely, he aroused discord with the administrators of the church fabric, accusing them before the archiepiscopal court of not administering the affairs properly. The Archbishop diligently endeavored to restore peace between the pastor and the administrators of the fabric; but when he could not accomplish this, he persuaded the pastor to relinquish the parish benefice for the sake of peace: which he did, by renouncing it, on December 16, 1903. The priest Schmelcher did this with a heavy heart, as is evident from three appeals presented to the Sacred Congregation, in which he sought to be compensated by the granting of another benefice, and in the meantime, to have the title of emeritus pastor conferred upon him, in order to dispel any suspicion of fault or offense that might have arisen among the people due to his dismissal from the parish of Tenhoven. The Sacred Congregation, on July 9, 1905, gave the following response: "The appeal is rejected, and it is the opinion of this Congregation that the Archbishop should provide for the support of the priest Schmelcher in another way, and that, if he deems it fitting, he should confer upon him the title of emeritus pastor in the ecclesiastical records." Unfortunately, the priest's procurator, then residing in Rome, at the same Sacred Congregation, informed his client of the decree with these words:

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"The Sacred Congregation, after hearing the opinion of the Consultor, decreed that..."

[*Latin ed. p. 592*]

Acta Apostolicae Sedis. - Official Commentary. 592 "The Archbishop shall provide for the new benefice, and shall insert your name among the retired pastors in the official records." The priest Schmelcher, having been convinced that the text of the decree was indeed as the lawyer had stated, began to celebrate, sharing the joyful news of his victory with some friends, and among others, through a letter sent to Johann Köllen. This letter could be read by some who were commenting on the matter in the parish of Tenhoven, thus inciting the envy of the priest's enemies, and especially of the administrators of the factory. For the victory that Schmelcher proclaimed seemed to have been achieved against the very administrators and the archiepiscopal court. And, because fame grows as it spreads, certain words and boasts were attributed to the priest, and injurious glorifications were directed at the court, perhaps never uttered by the priest himself. Consequently, the court, due to the widespread and slanderous assertions, instituted an investigation against this priest, announced by a letter of November 25, 1905: and on February 14 of the following year, he was served with a summons to appear before Mr. Vögt, the investigating judge. The priest Schmelcher's line of action was as follows: After learning that an investigation had been initiated against him, he sent repeated letters, before being summoned to court, in which he rejected the judges of the official court of Coloniensis, since they were supposed to know "about the statements that were alleged to be directed against the Ordinary and certain superiors... these persons, whether as fiscal procurators or as judges, were performing their offices." With this objection based on suspicion of the judge, namely a declinatory exception of forum, the priest Schmelcher believed that he was not obliged to respond to the summonses, indeed, he considered them to be contemptible; lest, by responding, he should appear to have renounced the exception he had raised. On the contrary, the court considered the exception raised by the accused to be illegitimate and completely devoid of foundation, and proceeded further, and, except for a few witnesses, the fiscal prosecutor, on May 7, 1906, filed an indictment against the accused, by which the aforementioned priest was brought to justice: 1°) for insults directed at the Archbishop and his court, as well as at the pastor Stoffels, his successor in Tenhoven; 2°) for refusing due obedience to his superior, and for inducing others to be disobedient as well: namely, Mr. Köllen was summoned in vain to answer the inquiries of the court; 3°) for disturbing the peace in the parish of Tenhoven. The accused did not comply with this indictment; therefore, he was summoned peremptorily on July 13. But the priest did not respond to the peremptory edict: therefore, on June 22, 1906, a

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procedural judgment was issued, in which the declinatory exception of forum was rejected and the competence of the judge was affirmed.

[*Latin ed. p. 593*]

Saint Bonaventure. In this matter, Schmelcher did not interpose any appeal. Therefore, the court perhaps judged that Schmelcher had renounced any claim or judgment, who, on the contrary, clearly expressing his intention to pursue the matter further, in October of 1906, again presented a petition to the court, alleging suspicion against the Fiscal Promoter and the Reverend General Vicar. The court, in order to resolve the matter, on the 29th of that month, issued a judgment in which it declared the priest Schmelcher contumacious, and rejected the petition alleging suspicion. Against this judgment, the accused appealed, but the court decreed that the appeal could not be admitted, because it is not permissible to appeal while being contumacious; and proceeding further, it issued a final judgment on December 5, 1906, in which it declared that the charges presented by the Fiscal Promoter were substantiated, and consequently, the accused was condemned to suspension from the order for one month, and was ordered to spend that time, or one month, in a monastery approved by the Archbishop. Schmelcher accused the judgment of nullity, presenting a petition on December 10th of the same year to the Bishop of Monasterien, the judge delegated by the Holy See for the second instance. However, the court of Monasterien recognized that there was no substantial defect in the judgment of Cologne, and declared; furthermore, considering the penalty of condemnation, it corrected and mitigated it, deciding: "1) that the priest Schmelcher should request the Archbishop to forgive his disobedience and irreverence against him and the court, and that he, as his Ordinary, should anew promise obedience and reverence; 2) that for a period of 5 days he should devote himself to spiritual exercises, abstaining from celebrating Mass during this time, and that after completing the exercises, he should present a trustworthy testimony to the ecclesiastical superiors; 3) that if he does not fulfill what is established in nos. 1 and 2 within thirty days after receiving notice of this judgment, he shall, by that very fact, be suspended from the Order, until he has fulfilled what was commanded." The court of Cologne strongly disapproved of this judgment, and maintained that it should be reformed by the court of Monasterien, because it had judged beyond what was requested, or on the merits, since the priest Schmelcher had only appealed on the grounds of the nullity of the judgment; and the priest should not have been heard, since he was contumacious, and it is not permissible for a contumacious person to appeal, and much less to appeal to the judge of the second instance. Because the court of Cologne presented these complaints to the Holy See, the matter was referred to this Holy Order

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to be examined, and to determine

[*Latin ed. p. 594*]

594 Acta Apostolicae Sedis - Official Commentary. to be avoided. And on this matter, a definitive ruling was issued on May 23, 1910. The formula for inquiry presented was: "Does it pertain to the illegitimacy of the sentence of Colonien, issued by the reverend court of Monasterien on May 1, 1908, so that the sentence of Colonien can be demanded for execution, in this case?" The response was: "Negative." Therefore, the procedure of the court of Monasterien was deemed valid, to which was recognized the power to intervene even regarding the merits of the case brought by the priest Schmelcher, although he had been declared contumacious by the court of Colonien (which thus forbade him from appealing to the court of Monasterien), and who appealed only to this court regarding the nullity of the sentence of Colonien. The definitive ruling, however, proposed to examine the sentence of Monasterien, requested by the court of Colonien, to the extent that it attributed the power, or competence, to judge to the appellate judge in a case in which the appellant had been contumacious, and furthermore, it rejected the procedure of the judge who, having been requested to declare the nullity of the sentence, did not judge of its nullity or lesser validity, but, entering into the merits of the matter, corrected the sentence itself in its condemnation. - The judges of the Roman Rota recognized the legitimate procedure of the judge of Monasterien, who arrogated to himself the power to examine the sentence of Colonien, even regarding the merits; but they did not wish to judge in the merits, whether indeed the penalty should be applied to the priest Schmelcher, and in what measure this penalty should be determined, and whether the sentence of Colonien should be considered more valid in this respect than that of Monasterien. Which we will now complete, because, with the permission of the Most Blessed Father, it is necessary to examine even the merits of both the sentence of Colonien and the sentence of Monasterien. Indeed, His Holiness, having learned of the preliminary question defined by the definitive ruling of March 24, 1910, through the Most Reverend Congregation, doubted whether the power granted included the power for the Roman Rota to also examine the merits; therefore, the matter was again presented to His Holiness, who, on April 4, 1911, approved "that, provided that the exception of res judicata does not apply, the matter can also be decided in the merits." However, the exception of res judicata would apply if it were established that the priest Schmelcher did not have the right to appeal against the sentence of Colonien, because he was contumacious, and therefore the sentence of Colonien had passed into res judicata. Therefore, two questions must be clarified today, presented with a double formula for inquiry: 1° Is the definitive ruling of March 23, 1910 to be confirmed, in this case? 2° Does it pertain to the legitimate condemnation of the priest Schmelcher to a certain

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penalty, in this case?

[*Latin ed. p. 595*]

The Roman Rota. The Promotor of Justice appealed the Rotarian judgment, which was to be examined, because he considered that it could not be accepted, since it sought to establish the very concept of contumacy, and thus undermined, not only the discipline of judgments, but ecclesiastical discipline itself. Indeed, the following facts were deemed relevant to the matter: 1°) On November 19, 1905, the priest Schmelcher sent letters to the Most Reverend Archbishop, in which he requested that the title of emeritus pastor be granted to him, which he claimed had been unjustly denied to him by the official, and he also requested that a copy of the authentic decision, issued by the Sacred Congregation of Bishops and Regular Canons, be sent to him. These letters were considered highly injurious to both the Archbishop and the official; therefore, on November 25th, a disciplinary action was initiated against the priest Schmelcher, and then, as we have already narrated, he was summoned to appear on January 14, 1906, and on two other occasions; but in vain, because he did not appear: on the contrary, by letters dated January 26th, or even before the summons, and by other letters subsequently sent to the Most Reverend Archbishop on February 23, 1906, he made it clear that he did not intend to appear, because it was inquired about "statements that were allegedly directed against the persons of the Ordinary and of certain Superiors..." these persons? "whether they were performing their functions as fiscal procurator or as judge (e.g., vicar general)," and therefore he concluded: "It is clear that I was rightly excused from appearing before the judge investigator. For, if I had affirmed my competence in these matters, and the denial of competence had been declared frivolous." 2°) Despite the opposition of the accused priest, the investigation was brought to an end, and in May, the accusatory brief was issued: the main points of the accusation have already been mentioned above. To explain the accusatory period, further summonses were sent to the accused, which he also ignored; but he did not ignore sending letters almost daily during the months of May, June, and July, in which he tried to justify his actions to the judges, whom he declared to be incompetent. But, despite these objections, the court of Cologne, as we have already narrated, declared itself to be fully competent by a judgment of June 22, 1906, and on October 29th of the same year, declared the accused to be contumacious. Considering these facts, it cannot be denied that the accused priest fully and completely raised the exception of suspicion against the judges, because, as he stated in his letter of January 26, 1906, no one can be a judge in their own cause. And this was clearly the intention of the priest, although he most often objected to the incompetence of the judges, and

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therefore, he...

[*Latin ed. p. 596*]

596 Acta Apostolicae Sedis. - Commentarium Officiale. which perhaps introduced confusion: for it should have, in explicit terms, stated its intention of raising the exception on the grounds of suspicion regarding the effects of the law, namely, that the judgment should be suspended until the suspicion had been ascertained and judged. Indeed, the effect of the raised suspicion is that the judges must first address this preliminary question; therefore, it is not a matter of incompetence, but of suspicion, which, by its very nature, only subsequently entails incompetence, given the person of the judge who is being challenged. However, a significant distinction exists in the order of judicial proceedings between one exception and the other; for the judge himself knows of the alleged incompetence, but not of the suspicion. Indeed, in c. 41, § I, concerning appeals, the following rule is stated: "For indeed, reason itself dictates that suspects and enemies cannot be judges." Therefore, in the following c. 61, concerning appeals, it is established how the question of suspicion should be addressed, namely, in this manner: "We decree that, if someone alleges that they have a judge who is suspected, they must assign a just cause for the suspicion before the same court, and both the accuser and the accused, or (if the accused has no accuser) jointly with a judge, shall choose arbitrators, or, if they cannot agree, each shall choose one, who shall investigate the cause of the suspicion, and, if they cannot agree on a judgment, they shall call in a third, so that what the two of them have decided may obtain the strength of firmness... However, if the legitimate cause of suspicion is proven, the judge shall not exercise his jurisdiction. But, if the legitimate cause of suspicion is proven, with the consent of the one who is being challenged, the matter of the recusation shall be entrusted to a suitable person...". It should be noted that the effect of the raised exception of suspicion is that the judge, for the time being, does not exercise his jurisdiction. Therefore, he is not absolutely incompetent, but is hindered in the exercise of his jurisdiction; and Doctors inquire whether the acts performed by a judge who is suspected or otherwise hindered from judging are null ab initio, or rather, whether they should be rescinded at the request of a party: and the Doctors do not agree, as can be seen in Reiff., de appellat., n. 327, and Schmalzgr., h. t. n. 144. Certainly, the opinion that the acts are null ab initio is more probable, because "reason itself dictates that suspects and enemies cannot be judges." And from the fact that the exception of suspicion suspends the jurisdiction of the judge until the cause of the suspicion has been legitimately ascertained, the recusation of the judge is connected with the appeal; therefore, in the Decretals, the title is inscribed: Concerning appeals, recusations, and relations. In ancient Roman law, the recusation of a suspected judge was called the *duratio iudicis*, which was formerly performed publicly with

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solemn words, as Cicero recounts in De oratore, 1. II, n. 70. Indeed, for the legitimate protection of rights, the institution of the appeal contributes no less than the right granted to citizens to challenge suspected judges. For, although justice may be vindicated by a judge who is suspected, his judgment does not acquire that authority which the decrees of judges ought to possess (Devoti, tit. De appellat.).

[*Latin ed. p. 597*]

The Roman Rota. 597, no. XXIV). A recusal, however, is a declinatory exception before the forum, not unlike an exception of incompetence; but they differ principally in this, that the judge perceives his own incompetence, as the law states in 5, ff. on judges: "For it is the duty of the praetor to determine whether his jurisdiction is applicable." But he cannot perceive the causes of recusal, because it would seem that he is a judge in his own cause. Indeed, the causes of recusal are facts that pertain to the very person of the judge; while competence or incompetence relates to his public authority. Therefore, although it is opposed to an exception of incompetence, the one who seeks to recuse must still approach the judge, as the aforementioned law in 5, ff. on judges commands. Conversely, he who recuses a judge before being summoned is excused from the obligation to appear, and as is stated in decision 152, no. 8, part XI, Recent: "A recusal of a judge entails a suspension of proceedings by a simple appearance before him." Also, in decision 7, no. 5, part VII. Furthermore, the jurisprudence of our Holy Office has consistently affirmed the rule that a recused judge is prevented from proceeding further in the case: and if he proceeds, his acts are tainted with nullity. Indeed, in decision 165, no. 3, part VI, and decision 222, no. 3, part VII, it is established that "to a judge legitimately recused, jurisdiction remains suspended; therefore, while the recusal is pending, he must suspend proceedings in the case"; decision cited 165, no. 4: "for the suspicion binds the hands of the judge so that he cannot proceed further, unless first the causes of recusal have been known." Decisions 52, no. 8, part XI, and 3, no. 1, part IV, vol. I, Recent. The effects of a recusal are so efficacious and peremptory that Benedict XIV wished to regulate and restrain them in cases involving swift proceedings and execution; which he did for the Roman Curia, through the Constitution "Romanae Curiae." The manner of proposing a recusal does not require a specific form, and the practice and doctrine of jurists hold that it must be made in writing, before the actual dispute is contested, namely, so that the intention of the one seeking to recuse is clear, to avoid judgment by a particular judge who is offensive to him; thus Reiff, with others, 1, c, no. 325. In our case, the priest Schmelcher sufficiently manifested his intention, by presenting the causes for the exception, namely, because he was being subjected to direct injuries by persons who should have judged the matter. However, it is objected that the accused was initially summoned to court not before the general vicar or

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the ordinary himself, but before a certain examining judge, who was not at all suspected by the accused, and therefore should not have been recused. But from the aforementioned rules, it follows that the priest Schmelcher, by presenting the recusal before the very appointment of the examining judge, has already prevented all tribunal jurisdiction, thereby binding the hands of the judge, whether singular or collegial.

[*Latin ed. p. 598*]

"598 Acta Apostolicae Sedis. - Official Commentary. It could neither, by itself nor through another, proceed to further steps. Furthermore, if it was not permissible for a judge, considered as a suspect, to proceed to further actions, much less could he allow another to undertake the investigation. However, in the case of Cologne, the exception of suspicion was raised; and this is difficult to distinguish from the official court, or the collegiate tribunal, in which the vicarius generalis gives his vote, and from which judgments, whether incidental or the final judgment, were issued against the accused. Therefore, the response given after the judgment by the Most Reverend Ordinary of Cologne, namely that he had directly appointed the judge, is irrelevant; for the exception of suspicion was made before the very citation to appear before the appointed judge, and the exception is directly against the court itself. While the exception of suspicion is pending, any actions taken to prepare for the contested judgment are futile. Furthermore, the official court, which is responsible for handling judicial matters, as the Most Reverend Archbishop states in his letter of December 12, 1910, consists of a president and four judges, among whom is also the vicarius generalis, and a majority of votes is required, if the president and two judges agree; therefore, it is a true collegiate tribunal. Therefore, it cannot be denied that the accused priest used his legal right by raising the exception of suspicion. And this cannot be called frivolous or absurd; since the actions of the accusation imputed to the accused the crime of defamation against the Ordinary, and especially against the vicarius generalis. Indeed, since he was one of the judges of the tribunal constituted in this case, he was not undeservedly considered to be a judge in his own cause. For the Reverend Schmelcher was accused of defamation not only against the Most Reverend Ordinary, but also against the archiepiscopal court; and indeed, this crime of defamation against the archiepiscopal court was held to be proven in the Cologne judgment itself. Moreover, the official court is part of this court, and therefore it too was declared incompetent, and as a suspect, it was rejected on the same principle, namely, that no one can be a judge in his own cause: and the application of this principle cannot be called frivolous; all the more so because many and most serious authors teach that, just as the bishop is considered a suspect, so too his vicarius generalis can be rejected on the same grounds: because, indeed, since the vicarius is dependent on the bishop in all things, and forms a tribunal with

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him, a suspicion against the bishop legally extends to the vicarius generalis (Leuren., Vicar. episcop., q. 70; Bouix, De iudic, p. II, sect. I, subsect. II, c. 8, q. 5). Furthermore, the same must be said about the official court as about the vicarius generalis, because, indeed, he too is dependent on the bishop in all things and forms a tribunal with him, so that it is not permissible to appeal from the official court to the bishop. And this..."

[*Latin ed. p. 599*]

The Roman Rota [of Judges] found [that the accused] were condemned, not from any prejudice against the official of Cologne, who certainly had a mind free from any partiality and who knew how to assign to each person his due without accepting of persons; but the judicial order is so established by law that certain rights belong to the accused, or the defendant, or the person under investigation, and these rights belong to him for legitimate defense, so that, if he is condemned, he may not be able to claim that he was not granted the due opportunity for defense. Therefore, care must be taken by the judge proceeding against the accused, even if he is convicted of serious crimes, lest any legitimate defense be taken away from him; otherwise, the accused becomes a legitimate accuser of the judge, hindering the prosecution of the judgment and the swift administration of justice, to the scandal and detriment of the public good. This observation anticipates what the vigilant Promoter of Justice objects, fearing that the nerve of ecclesiastical discipline will be broken if it is recognized that a priest accused has legitimately used his rights – by objecting against the court, by refusing judges, by not appearing. For, reserving judgment on the reason for the actions of this priest towards his Ordinary, which we will consider when we discuss the merits of the case, now considering simply the judicial order, it was necessary to conclude from the foregoing that the judge did not act prudently in overlooking the objection of recusal raised by the accused; which objection he could easily have resolved, either by appointing arbitrators, or by substituting other judges, who certainly were not lacking in Cologne, prudent and superior to all objections. Perhaps the priest, with his difficult nature and restless mind, did not acquiesce in the legitimate decrees of the court; but the legitimate method of proceeding would have been preserved, and the accused would have lost his case with his own hands. Furthermore, the court of Cologne did not lack legitimate remedies for keeping the Lord Schmelcher in office, namely, warnings and a precept, after the formal investigation and accusation had been omitted. Therefore, we come to the same conclusion as the sentence of the Rota that was appealed, and we confirm it; but we arrive at this conclusion by a different and easier path; because it is not necessary to distort the institution of contumacy in the canonical process in order to make the accused less subject to it, in order to preserve him in this case. Indeed, because "no obedience is due to a judge who does not legitimately command, or who

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is not competent," and the objection of recusal is a declinatory objection of the forum, which deprives the judge of jurisdiction and competence, the intention and imputation of contumacy cannot be attributed to the accused priest. Moreover, the appellants intend to prove that the sentence condemning to contumacy is correct, to the extent that there is no true contumacy and no true contumacious person in this case. For, according to the common opinion of the Doctors,

[*Latin ed. p. 600*]

600 Acta Apostolicae Sedis. - Official Commentary. It is asserted by the Rota, decision 293, no. 4, p. IV, Bec: "Where there is no deceit, contumacy cannot be considered." Furthermore, according to canon law, contumacy is also a fault, and this cannot be understood without deceit; therefore, if someone errs in the law, violating the law, but does not have the intention of committing a fault or of disregarding the judge's mandates, in the absence of deceit, the reason for a fault is lacking; which must be carefully considered with regard to the effect of an appeal. Indeed, the priest Schmelcher, before being summoned to court (although not in legal terms, but in an equivalent manner), repeatedly refused to obey the judges, and thus suspended their jurisdiction; therefore, in disregarding this, he must be considered contumacious, not truly, but in good faith. If, however, the question were of a simple incompetence of which the judge himself should be aware, then the accused could not, in any way, be excused; since such an exception in no way suspends the judge's jurisdiction, and therefore, when summoning, he legitimately commands, and if anyone does not obey, he is truly contumacious. And all of this cannot be opposed to the fact that the Reverend Schmelcher was declared contumacious by the interlocutory sentence of Cologne on October 29, 1906. For he appealed from this sentence to the court of Monasterien within the proper time, as stated by the sentence of Monasterien itself. Furthermore, this appeal was valid, because a contumacious person is prohibited from appealing; but not from the declaratory sentence of contumacy, which has not yet become a final judgment: for then the penalty of contumacy has not yet been incurred. And although it is forbidden to appeal from an interlocutory sentence, it is not forbidden to appeal from an interlocutory sentence declaring contumacy, because this entails an irreparable harm, namely, the deprivation of the right to appeal, as Reiffenstuel states, De sentent, et re iudic, no. 18. Therefore, the aforementioned interlocutory sentence of October 29, 1906, had not become a final judgment when the court of Cologne issued the final sentence. Therefore, the Reverend Schmelcher was able to appeal legally from this sentence; and therefore, the judge of Monasterien rightly considered that Schmelcher had appealed against the sentence, even though he had only filed a complaint of nullity. Finally, it cannot be overlooked that the jurisprudence of our Sacred Office is relevant to this matter. Further-

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more, Cardinal De Luca (De iud., disc. X, no. 14) teaches: "In the Roman Curia, however, whenever matters are dealt with in civil cases, it is said 'contumax in statu et terminis, with expenses already incurred by the other party, which is also established by common law.'" Here, we are speaking of a contumacious person who requests to be heard in the same instance in which he was contumacious from the beginning; and this rule is accepted among our Regulations § 29, no. 3: and this certainly pertains to common law. Regarding the absolute instance, as for the right of appeal of a contumacious person to another instance, De Luca, loc. cit., no. 15, states: "Regularly, a contumacious person is not allowed to appeal from the judgment of the court."

[*Latin ed. p. 601*]

St. Romana Bota. 601 "with rigor; but concerning the canonical equity which is received in the Curia, it states, 'where one is truly contumacious, within ten days, from the day the sentence is pronounced, and 'where one feigns it, from the day of knowledge.'" Ridulphinus (Prax. judie, part I, ch. 13) teaches the same, saying (n. 124): "A truly contumacious person regularly 'does not appeal'... but this is in many ways limited... and it is expressly stated that 'it has no place in the Rota nor in the Romana Curia, nor even in the ecclesiastical court,' in which, with all difficulty entirely removed, a truly contumacious person 'can appeal by not appearing, provided he appeals within ten days.'" And this practice is recalled by the very Promotor iustitiae, who cites the authority of Schmalzgrueber, De dol. et contum., n. 56, where mention is made of the style of the Romana Rota, namely: "However, the contrary is observed in the style of the Rota, 'in which even a truly contumacious person is permitted to appeal.'" And Scaccia (De appel., vol. III, ch. 2, question 17), teaches: "The Canon 4 does not proceed 'from the observance of the Rota, because according to it, even a truly contumacious person can appeal, provided he appeals within ten days from the day the sentence is pronounced... and this restriction, or observance of the Rota, is founded on canonical equity, according to which even a truly contumacious person can appeal... and thus it is observed both in the Romana Curia and throughout the entire ecclesiastical court, with all difficulty entirely removed.'" This being a very ancient practice in the Rota is proven by decision 16 (also 364) in Novis, de dol. et contum., which refers to the years 1376-1381 in the collection of Lord Horborch: "but the style remained unchanged, as is proven by decision 728, part II, Recent., and by the most recent 396, which Schmalzgrueber cites." How this practice, based on canonical equity, has prevailed in the Romana Curia, is evident from the authority of Cardinal De Luca, vol. c, n. 13, who teaches: "Among the effects of contumacy, 'those are noted to whom an audience is denied'... but the judge is not restricted to this denial, 'because it is left to his discretion, and he can grant an audience for a reason.'" And in n. 19, he continues:

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"But when contumacy consists 'in contempt of the judge, this should not be considered contumacious one who cannot appear for some just - not affected - reason; nor one who is not bound to obey the one who summons him, as being incompetent.'" This reasoning for considering contumacy has easily opened the way for the style of the Romana Curia. The penalty of denial of appeal has been applied to contumacious persons as a penalty for the rendering of a sentence; or, at least, if one wishes to consider it as a penalty for the sentence pronounced, to which a declaration of execution was to precede. Therefore, in both hypotheses, it is for the judge to decide whether there is a place for the application of the penalty, and in this sense, De Luca teaches: "However, the judge 'is not restricted to this denial.'" Because, if he knows that the person is contumacious for some reason...

[*Latin ed. p. 602*]

602 Acta Apostolicae Sedis. - Official Commentary. it is possible to be excused, and that he has failed to show a rebellious spirit towards ecclesiastical authority, which he did not intend to despise, but rather to serve his own interests; he is not forced to be repelled from the appeal. Thus, the cited decision 16 in Novis argues: "And so, for this part, it was declared and determined that it is permissible to appeal, unless it can be expressly proven that the appellant was aware of and in contempt of the law, which alone makes one contumacious." Other decisions argue similarly; thus, 15, concerning procurators, and 22, concerning appeals, in Novis, and 45, concerning appeals, in Antiquis. Therefore, our reasoning would allow us to judge the priest Schmelcher, and if we were to declare him to have been contumacious. This reasoning certainly deviates from the rules that govern the current Codes on this matter, as recalled by the total sentence of appeal. However, the spirit and intention of the Canon Law cannot be derived from the prescriptions of the current Codes, since, on the contrary, the laws of the Church have greatly aided civil jurisprudence. However, the esteemed gentlemen did not consider it possible to prove the conduct of the priest Schmelcher, and that it should be subject to penalties. Indeed, our conclusion only asserts that the accused was not contumacious with respect to the judicial process; but it does not intend to excuse him from the fault that he may have committed in the very exercise of his right. For he who appeals from the sentence of the bishop, if he appeals in a legitimate manner and at the proper time, may suspend the bishop's sentence, if the circumstances warrant, until the appeal is resolved. But if, in the appeal, he inflicts injuries upon the bishop, to whom he does not owe due reverence, he must justly and legally be accused and punished for these injuries; because no one is allowed, in the exercise of his right, to assert or do anything that inflicts injury upon another: and this is clear. This is our case; if the letters given to the Most Reverend Archbishop, on November 19, 1905, and on January 26, 1906, are full of insults. In the letters of November 19, it is

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asserted: "Your Eminence threatened me without reason and without right with immediate suspension. He believed that he should depose me from my office in the middle of winter, and also against the law and without the slightest reason." This manner of speaking, insofar as it detracts from the due veneration and submission owed to sacred prelates, reveals the writer's spirit infected with the vice of pride, from which he easily sees faults and offenses in others, even those in high positions; but he claims to be almost immune from the stain of sin. He writes in the letters of November 19: "I, thanks be to God, have no reason to reproach myself for everything that has happened in these last three years, and my conscience is pure, because I have always..."

[*Latin ed. p. 603*]

St. Bomana Bofa. 603 "I have fulfilled my duty in the most faithful manner, and I have also observed the due obedience in the proper measure." And in the letters of the 26th, he concludes: "As for conduct and the duties of his state, he is perfectly in order." These letters are presented in court by the defendant in his defense and excuse; therefore, the injuries should be publicly acknowledged today. Nor was there a lack of deceit, or an intention to injure, which, as Schmalzgr. teaches in *De iniuria et damno*, n. 2 sq., is inferred from the words or actions from which the injury arises; for if these are inherently injurious, an intention to injure is presumed. Consequently, the accused is guilty of the offense of disobedience. First, he manifestly disobeyed the obedience due to his superiors in the session of December 10, 1903, before the vicar general of Cologne, when he stubbornly refused to answer all the questions put to him, as reported by the eyewitness priest Kuhling. Secondly, he also disobeyed when, being summoned a third time by the judge, he stubbornly refused to appear. As we have said above, if the defendant is excused from the legal offense of contumacy properly so-called, he is not excused from the offense of disobedience; for he should have appeared, at least before the Most Reverend Archbishop, and then he should have freely presented his objections, thus acting in accordance with both the protection of his rights and the duties of obedience. Therefore, it is not surprising that both courts, Cologne and Monasterien, have accused this priest of the offense of disobedience and have imposed penalties. Furthermore, this priest must be accused of the manner in which he made public the supposed rescript of his absolution. As noted in the judgment of Cologne, some leniency should be shown to this priest, because he received from the advocate whom he had appointed for this time, a copy of the absolution, which was indeed presented in a certain way; therefore, he should be excused if he had simply shared the joyful news with friends and relatives. But the news was given in writing to a certain person in Cologne, with the intention that the letters should be circulated in the parish of Tenhoven, and they were worded in such a

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way that he himself, and the court of Cologne, were declared victorious. This is sufficiently proven by the testimony of the gentlemen Latz and Van der See. Nor are there lacking supporting elements that fully corroborate such testimonies, from which it fully emerges that they are completely reliable. First, there is the intention manifested by the priest Schmelcher of obtaining public restoration of his honor and compensation, which he so greatly praises and defends in the aforementioned letters, vehemently claiming for himself said restoration and compensation. Secondly, the witness Lieser, who is presented by the procurator Schmelcher as a completely favorable witness, states: "As far as I know, the letter was actually very widely circulated in Tenhoven."

[*Latin ed. p. 604*]

604 Acta Apostolicae Sedis. - Official Commentary. Thirdly, the circular letters sent by the sister of the priest are sufficiently indicative of both parties' intentions, namely, to disseminate the matter within the town as much as possible: "It will be known that my brother in Rome was perfectly 'right'." It is to be presumed that the priest's sister did not publish these letters unless with the consent of, or at least the approval of, her brother, to whom, certainly, the authority to prevent the publication of these letters would not have been lacking. However, in no way was it permissible for this priest to seek revenge for the injuries he believed had been inflicted upon him through such publication; legitimate revenge must be sought from legitimate authority, whereas, on the contrary, he dared to publicly scorn and revile it, and only after this scorn did he appeal to the Most Reverend Archbishop for the enforcement of the rescript. That the tenor of the letters given to Mr. Köllen was as presented is evident: 1. from these testimonies, which are entirely trustworthy; 2. from the very purpose of the one who wrote these letters; 3. from the letters of Agnes Schmelcher, which contain serious insults against the parish priest Stoffels. This course of action, as it is worthy of reproach, so too is the punishment; for if it were permissible for priests to act with impunity in this manner, ecclesiastical discipline would lack defense. Consequently, it is legitimately stated by the court that the priest was accused of offenses against the person of the Most Reverend Archbishop and against his court. Furthermore, it is established in the records that offenses were committed against the priest Stoffels. For, through letters dated January 6th and 26th, 1906, a grave offense was committed against this priest, who, moreover, is accused only through injury and arrogance by Mr. Schmelcher before the Archbishop, and it is requested: "That the 'signor' parish priest Stoffels... be compelled by ecclesiastical superiors to 'request in writing an apology and explanation for his conduct towards me'." Nevertheless, the gentlemen wished to note that the priest's fault, Schmelcher, should be mitigated because it was reported in the town of Tenhoven that the parish priest Stoffels had attempted, even through less

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honorable means, to seize and read the priest Schmelcher's letter to John Köllen; and behold, on December 26th, 1906, the same servant of the priest Schmelcher heard the same thing about the parish priest Stoffels from a person who appeared trustworthy; which she immediately reported to her master. Hence, a few days later, on January 6th, the aforementioned bitter and harsh letter was written by Schmelcher to the parish priest Stoffels. Therefore, it is rightly said that the priest Schmelcher wrote in order to defend himself, but it does not seem that he can be entirely absolved of blame, because through the letter given to John Köllen, and not without his own fault.

[*Latin ed. p. 605*]

The Reverend Father Bota, in his publication of 605, provoked the parish priest, Stoffels, so that the latter might also seek his defense. It is not certain from the records whether disturbances and serious public complaints arose in the parish of Tenhoven; but from the testimonies of Van der See, Bölling, and Latz, which perhaps do not lack exaggeration nor are entirely free from partiality, it at least appears that what Lieser asserts is true: "I believe that the letter made a strong impression on the ordinary people of that 'Municipality'," that is to say, that it caused scandal, and to this, the same Father Schmelcher must respond. Regarding the suspected instigation by which Köllen considered itself contumacious, there is no certain proof, and therefore, Schmelcher is not required to respond on this head of accusation. Therefore, from all of this, it was decided that the judgment of Monasterien should be confirmed, insofar as it contains a condemnation. For the reasons explained in the aforementioned judgment, the judgment of Monasterien is not without its value, although Schmelcher stated that this judgment was made only through error. However, this error does not invalidate the judgment itself, since there is more truth in reality than in opinion. After carefully considering all of these matters, invoking the name of Christ, We, the undersigned Auditors, sitting for the tribunal and having only God before our eyes, declare, pronounce, and definitively judge, answering the proposed questions, namely: To I. Affirmative, that is to say, the judgment should be confirmed; To II. That there exists a legitimate condemnation of the priest Schmelcher, made by the judgment of Monasterien; and the penalties should be determined as follows: 1. The priest Schmelcher shall, in writing, ask for forgiveness from the Most Reverend Archbishop for his irreverence and arrogance towards the Archbishop and his court, as well as for the scandal caused to the clergy and the people; the Most Reverend Archbishop, according to his prudent judgment, shall decide whether to make these letters public in the official diocesan gazette. 2. The same priest shall, for ten days, dedicate himself to spiritual exercises in a pious house, to be determined by the Most Reverend Archbishop, and during this time shall abstain from celebrating Mass. 3. If he does not comply with what is

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established in nos. 1 and 2 within thirty days from the lawful notification given to him by the court of this judgment, he shall remain suspended from the Order, by the very fact, until he complies with the aforementioned requirements. Furthermore, the priest Schmelcher is condemned to pay the judicial expenses.

[*Latin ed. p. 606*]

606 Acta Apostolicae Sedis. - Official Commentary. Thus we pronounce, commanding the Ordinaries of the places and the ministers of the Sacred Congregation to whom this pertains, that they should order the execution of this our decree, and against those who resist, they should proceed according to the norms of the Holy See, and especially session XXV, chapter 3, of the Council of Trent, employing executive and coercive means which they shall judge to be more suitable and efficacious according to the circumstances. Rome, from the seat of the Tribunal of the Holy Roman Church, on the 31st of May, 1912. M. Lega, Dean, Ponens. G. Sebastiani, Secretary. S. Many. Sac. T. Tani, Notary. LETTER. TO THE DISTINGUISHED M. COUNT MAXIMILIAN ZARA, PRESIDENT GENERAL OF THE SOCIETY OF SAINT PAUL FOR THE DIFFUSION OF CATHOLIC BOOKS, CONCERNING THE FRUITS OF THE GOODS OF SAID SOCIETY IN THE CITY. Most esteemed Sir, Count, The general report of the books distributed from 1875 to 1911 by the Society of Saint Paul for the diffusion of Catholic printing clearly demonstrates how well this excellent institution has understood the duty incumbent upon every Catholic, to oppose good publications to bad ones, and with how much effort it has striven to fulfill this duty. His Holiness has gladly taken cognizance of this report and has found in it cause for consolation, reflecting on the good that so many excellent writings, and so widely disseminated, have been able to accomplish in the minds and hearts of the readers. However, the great prevalence of bad publications over good, which, especially in these days, no honest heart can but bitterly deplore; the negligence, the inertia of the good in the face of the great activity, even in this field, unfortunately displayed by the perverse, painfully demonstrates how sadly true it is that *filii tenebrarum prudentiores sunt quam filii lucis* [the children of darkness are more prudent than the children of light], and oh! how much this grieves the heart of His Holiness, and what sad concern it weighs upon His soul!

[*Latin ed. p. 607*]

From the Diary of the Roman Curia. 607. Seizing this opportunity, the Most August Pope, at the very time that He entrusted me with the task of expressing to Your Lordship and to all the members of this most meritorious Society His paternal satisfaction for the good that they have accomplished thus far, and for that which they propose to achieve in the future,

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also desired that, through their means, the awareness of this most exalted duty be kept ever more alive among Catholics, and that all understand that to close one's eyes to such a great slaughter of souls, which the wicked press perpetrates daily, is not something that can be done without causing great concern before God, considering the number of souls who believe in Him and who profess to love Him sincerely. Finally, conveying to them the apostolic blessing, which the Holy Father has generously bestowed upon Your Lordship and upon all the members of the Society that you govern with such enlightened diligence, I take the opportunity to reaffirm my sentiments of sincere esteem for you. From the Vatican, 23 July 1912.

[Signature]

For your service,

R. SECRETARY

CARDINAL MERRY DEL VAL.

OF STATE.

BY APPOINTMENT.

With the tickets of the Secretariat of State, the Holy Father has deigned to appoint:

1 September 1912. — His Most Reverend Cardinal Aristide Rinaldini, Protector of the Institute of the Mercedarian Sisters of Granada.

2 September. — The Reverend Monsignor Pietro Pisani, Substitute of the new section of the Sacred Congregation Consistorial for the spiritual care of emigrants.

With apostolic briefs, the Holy Father has deigned to appoint:

Apostolic Protonotaries, as if participating:

26 August 1912. — Monsignor Giuseppe Seywald, Prelate Cantor of the Archdiocese of Vienna.

28 August. — Monsignor Cristiano Stamm, Dean of the Cathedral of Paderborn.

[*Latin ed. p. 608*]

608 Acta Apostolicae Sedis. - Official Commentary. Domestic Prelates of the Holy See: August 19, 1912. — The Reverend Father Giovanni Buonomo, Rector of the Royal National Spanish Basilica of Saint James in Naples. September 3. — The Reverend Father Bernardo Richter, parish priest in the diocese of Saint Clodoald (Saint U. of America). September 4.

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— The Reverend Canon Luigi Zumaglini, Chancellor of the Archdiocese of Ravenna. HONORS. By Apostolic Briefs, the Holy Father deigned to bestow the following honors: The Order of the Golden Militia, also known as the Order of the Golden Spur: August 31, 1912. — To Mr. Comm. Ludovico de Pastor, Professor of history at the University of Innsbruck. The Knighthood of the Order of Saint Gregory the Great, civil class: August 29, 1912. — To Mr. Luigi Dupont, of the diocese of Arras. — To Mr. Adriano Butruille, of the same diocese. August 30. — To Mr. Paolo Hanquet, of Liege. September 2. — To Mr. Armando Speeckaert, General Secretary of the Society of Saint Francis Regis in Brussels. September 7. — To Mr. Emilio Van Reeth, Burgomaster of Boom, in the Archdiocese of Malines. The Knighthood of the Order of Saint Sylvester the Pope: September 3, 1912. — To Mr. Giuseppe Kalous, Chamberlain of the parish of Saint Joseph in Margarethen (Vienne V). NECROLOGY. September 12, 1912. — The Most Reverend Cardinal Pietro Ercole Coullié, Archbishop of Lyon.

[*Latin ed. p. 609*]

Year IV. - Volume IV. September 30, 1912. No. 18. ACTA APOTOLICAE SEDIS. OFFICIAL COMMENTARY. ACTS OF POPE PIUS X. APOSTOLIC CONSTITUTION CONCERNING THE RECEPTION OF THE MOST HOLY EUCHARIST IN A COMMUNICATED MANNER. PIUS, BISHOP, SERVANT OF THE SERVANTS OF GOD, FOR THE PERPETUAL REMEMBRANCE OF THIS MATTER:

From ancient times, this custom has been observed in the Church, so that in various places, with diverse rites and customs of the sacred things, and in order that all suspicion of superstition and idolatry might be absent from them, the faithful pilgrims might adapt themselves to no particular practice. This indeed was customary, through the grace of peace and concord, for the strengthening of the many members of the one Catholic Church, or particular churches, according to the words of Saint Leo IX: "Nothing hinders the salvation of the faithful, diverse customs according to place and time; when one faith, working good, commends all 'to one God'." Moreover, this was necessary, because those who came from foreign regions often found neither sacred buildings nor priests there.

1 Epist. ad Michaelem Constantinopolitanum Patriarcham. ACTA, vol. IV, no. 18. - September 30, 1912. 45

[*Latin ed. p. 610*]

610 Acta Apostolicae Sedis. - Official Commentary. In other matters pertaining to divine worship, this was particularly evident in the administration and reception of the sacraments, and especially the Most Holy Eucharist. Therefore, it was permitted for clerics and laymen, who were formed and instructed, to bring back letters from afar concerning the Eucharistic ministry, or to serve as lectors in churches of a different rite;

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and Bishops, priests, and deacons, whether Latin or Greek, celebrated the divine mysteries together in Rome, and Greeks and Latins celebrated the divine mysteries together in the East. And this practice became so common that, if it had been otherwise, it could have been a sign of a division, either of faith or of communion. But, after a large part of the Christian East was torn apart by lamentable schisms, which damaged the center of Catholic unity, it was no longer permissible to maintain this praiseworthy custom for very long. For when Michael Cerularius not only condemned the customs and ceremonies of the Latins, but also openly declared the consecration of leavened bread to be illicit and invalid, the Roman Pontiffs, mindful of their apostolic office, forbade the Latins, in order to avert the danger of error from them, from celebrating or receiving the sacrament of unleavened bread; but to the Greeks, upon their return to the Catholic faith and unity, they granted permission to communicate with leavened bread among the Latins: which was, for those times and places, indeed opportune, and even necessary. For since Greek bishops were not often found connected with this See of Saint Peter, nor were Catholic Eastern churches present everywhere, it was greatly to be feared that Eastern Catholics might go to the churches and pastors of the schismatics, with certain danger to the faith, unless it had been permitted to them to communicate with the Latins. Indeed, a certain change of circumstances, which occurred later, brought about a restoration of the old discipline for a time, when the Council of Florence brought peace between the Greek and Latin Churches. For the Fathers of that Council decreed: "That the true Body of Christ is truly made in leavened or unleavened bread, and that priests in either rite may confect the Body of the Lord, each according to the custom of his own Church, whether Western or Eastern."

[*Latin ed. p. 611*]

611 The acts of Pope Pius X state: "such or eastern custom," but this decree intended neither to invalidate the Catholic truth concerning the consecration of either bread, nor to forbid the faithful from receiving communion promiscuously; on the contrary, it is clear that they granted a dispensation for this very purpose. There exists a most clear letter from Isidore, Metropolitan of Kiev and of all Russia, which, after the Florentine Council, whose influence was great and in which the Patriarch of Antioch played a role, was given as a legate from the Pope in Lithuania, Livonia, and all of Russia in the year 1440 to all those who were under the jurisdiction of the Church of Constantinople: and this letter, happily reconciling the Greeks with the Latins, states: "I adjure you in the name of Our Lord Jesus Christ: let no division remain between you and the Latins, since you are all servants of Our Lord Jesus Christ, baptized in His name... Therefore, let those Greeks who live in the territory of the Latins, or who have a Latin church in their own territory, attend the divine liturgy and adore the Body

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of Our Lord Jesus Christ, and let them approach with a contrite heart, just as each one would do in his own church, and let them also confess to Latin priests and receive the Body of Our Lord from them. Similarly, let the Latins attend the churches of the Greeks and listen to the divine liturgy, and let them, with firm faith, adore the Body of Jesus Christ there. For it is true that the Body is the Body of Christ, whether it is consecrated by a Greek priest in leavened bread, or by a Latin priest in unleavened bread; and it is worthy of the same reverence, whether it is leavened or unleavened. And let the Latins also confess to Greek priests and receive the divine communion from them, since both are the same." Thus, the Florentine Council established this in a public session on June 6, 1439. Although the testimony of Isidore proves that the Florentine Council granted the faithful the faculty of receiving communion in the mixed rite, this faculty was not without its limits.

[*Latin ed. p. 612*]

Acta Apostolicae Sedis. - Official Commentary 612. which was not always customary; therefore, especially because, when the ancient unity of the Greeks had already been broken, it was no longer clear why the Roman Pontiffs, as Isidor of Seville and the Florentine Council report, should insist on its observance. In many places, the custom of mixed Communion persisted until the time of Pope Benedict XIV, who, for the first time, with the Constitution *Etsi pastoralis*, dated May 26, 1742, forbade Latin laymen from receiving Communion from Greek priests under the leavened species; but he left the Greek priests, who lacked their own parish, the faculty of communicating in the unleavened bread among the Latins. However, where Greeks and Latins lived together and each had their own churches, and the custom of mixed Communion had taken root, he entrusted the Ordinaries with the task of, if this custom could not be removed without offending the people or causing disturbance, using all gentleness, care, and diligence to ensure that the Latins always communicated in the unleavened bread, and the Greeks in the leavened bread. Our Predecessor established this for the Italo-Greeks, and also ordered that it should apply to the Melchites and the Copts: and this gradually spread among the Orientals, more by custom than by any specific legal prescription; it is not, however, the case that the Apostolic See has never granted permission to Latins, even those who do not have their own church, or in urgent necessity, to communicate in the unleavened bread, and indeed, it has permitted this on occasion. This especially happened after certain religious families of men, burning with zeal for souls, from various regions of Europe, were brought to the shores of the East, and provided assistance to Catholics of different rites, multiplying works of Christian charity among them, and opening colleges for the instruction of youth everywhere. When these families, through frequent use of the Eucharist, led a quiet and peaceful life

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amidst difficulties and sorrows, the Easterners, who are naturally inclined towards piety, were easily drawn to imitate them: and those who, for various reasons, could not easily obtain this among their own, were greatly encouraged.

[*Latin ed. p. 613*]

613 The Acts of Pope Pius X mention places or shortages of priests or churches, or even due to different rites, where this desire [for the Latin Mass] could be satisfied, and the Apostolic See urged that the grace of receiving the Eucharist, according to the Latin rite, be granted. The Apostolic See sometimes conceded to these requests, and permitted young men educated in Latin colleges, as well as other faithful, whose churches celebrated according to the Latin rite and were affiliated with pious associations, to receive, with due regard for the rights of the parish priests, especially concerning the Paschal Communion and Viaticum, that they might receive the Eucharist consecrated by Latin priests within the Latin church for a year. Furthermore, in the very Vatican Council, a special commission dedicated to the affairs of the Eastern Rites proposed, among other things, the question of whether it would be advisable to relax somewhat the strictness of the ecclesiastical laws regarding the mixing of rites, especially in the Eucharist, and to grant permission to the faithful to receive Communion in either rite; and since the Fathers of that Commission considered it advisable, they drafted a decree expressing this sentiment; which, however, could not be presented to all the Fathers for approval, due to the abrupt end of the Council. Afterwards, the Holy Congregation for the Propagation of the Faith, in order to provide assistance to those who, because of a lack of churches or priests of their own rite, often had to abstain from Communion, issued a decree on August 18, 1893, by which, in order to promote the frequent reception of the Sacraments, the faculty was granted to all the faithful, of either the Latin or Eastern rite, who reside in places where there is no church or priest of their own rite, to receive Communion, not only at the point of death and in order to observe the precept of Easter, but at any time, out of piety, according to the rite of the local church, provided that it is Catholic. Our Predecessor, Pope Leo XIII, of blessed memory, in the Constitution *Orientalium Ecclesiarum Dignitas*, made those who, due to the distance of their church, could not visit it except with great inconvenience, participants in this grace. At the same time, he forbade the practice in Latin colleges, in which there are many Eastern students.

[*Latin ed. p. 614*]

Acta Apostolicae Sedis. - Official Commentary. Number 614, these [persons] communicated in the Latin manner; and He commanded that priests of the same rite be added to them, who would perform the sacred rites and distribute the most holy Eucharist to them, at least on Sundays and

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other days of precept, without any exception. But it has been experienced that, not everywhere, Eastern priests can be found who, being occupied elsewhere in the ministry of souls, on Sundays and holidays, and indeed even on feast days, can attend the gatherings of the Latins, so that they may minister the bread of angels to the hungry children and young people. Therefore, it has not infrequently been requested of this Apostolic See that the discipline of the Church might be more lenient in this matter. These supplications, after the Decree of Our Holy Congregation of the Council, published on December 20, 1905, concerning daily Communion, which concerned the frequent requests from the Easterns who sought permission to pass to the Latin rite, so that they might more easily partake of the heavenly food; and among these, there were not a few children and young people who would be able to participate in this very benefit. Therefore, considering that the Catholic faith holds that the valid consecration of both bread, unleavened and leavened, is safe among all; and moreover, having observed that there are many, both Latins and Easterns, for whom this prohibition of mixed rites is both a hindrance and an offense, with a carefully considered judgment of the sacred Council, for the propagation of the Christian name and for the affairs of the Eastern Rites, it was decided to abolish all those ancient decrees which prohibit or restrict the mixed rite in the use of the most holy Eucharist; and to grant to all, both Latins and Easterns, the faculty, whether of unleavened or leavened bread, among Catholic priests, in churches of any Catholic rite, according to the ancient custom of the Church, to refresh themselves with the august Sacrament of the Body of the Lord, so that « all and each who are considered Christians may, in this symbol of concord, finally agree and be united at some time » \1 Conc. Trident. Sess. XIII.

[*Latin ed. p. 615*]

From the Acts of Pope Pius X, 615: Indeed, we trust that what We are about to prescribe here will be most beneficial to Our beloved sons in the East, of whatever rite, not only to kindle in them the flame of piety, but also to strengthen the bond of mutual concord. — And if, concerning piety, no one fails to see that the Divine Eucharist, which the Fathers of the Latin and Greek Churches have commonly called the daily bread of the Christian, as that which sustains and nourishes like the very health of the soul, ought to be more frequently received by those whose charity or faith, or the very principles of their supernatural life, are more deficient; how much more will it be so for the Eastern Catholics, who live among a great multitude of schismatics, that they will not suffer any detriment to their faith or charity from this communion, but rather will experience a great and lasting increase in their spiritual life. — As for the other matter, it has been evident up to now that, among people of the same faith but of different rites, causes of emulation and discord have arisen from the fact that it might be easier

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for some to participate in the Body of Christ than for others. Now, however, since We desire that the communion at this table, which is *symbolum*, the root and principle of Catholic unity, be open to all the faithful, it is fitting that concord of minds should grow among them, "for as we are one bread, one body," says the Apostle, "because we are all partakers of the one bread." Therefore, We, by the fullness of Our Apostolic power, declare and decree the following: I. It is not permitted to priests who perform the sacred rites promiscuously: that they should prepare and administer the Sacrament of the Body of the Lord according to the rite of any particular Church. II. Where necessity arises, and no priest of a different rite is present, it will be permissible for an Eastern priest, who is accustomed to it, to administer the Eucharist consecrated with leaven, and, conversely, a Latin priest to administer the Eucharist consecrated without leaven. 1 Corinthians 10:17.

[*Latin ed. p. 616*]

Acta Apostolicae Sedis. - Commentarium Officiale. 616. Quod adzyma, ministrare infermentato; at suum quisque ritum ministrandi servabit.

III. Omnibus fidelibus cuiusvis ritus datur facultas, ut, pietatis causa, Sacramentum Eucharisticum quolibet ritu confectum suscipiant.

IV. Quisque fidelium praecepto Communionis paschalis ita satisfaciet, si eam suo ritu accipiat et quidem a paroco suo: cui sane in ceteris obeundis religionis officiis addictus manebit.

V. Sanctum Viaticum moribundis ritu proprio de manibus propriis parochi accipiendum est: sed, urgente necessitate, fas esto al sacerdote quolibet illud accipere; qui tamen ritu suo ministrabit.

VI. Unusquisque in ritu suo permanebit, etiamsi consuetudinem diutennavit communicandi ritu alieno; neque ulli detur facultas mutandi ritus, nisi cui iustae et legitimae suffragentur causae, de quibus Sacrum Consilium Fidei Propagandae pro negotiis Orientalium iudicabit. In his vero causis numerando non erit consuetudo quamvis diuturna ritu alieno communicandi.

Quaecumque autem his litteris decernimus, constituimus, declaramus, ab omnibus ad quos pertinet inviolabiliter servari volumus et mandamus, nec ea notari, in controversiam vocari, infringi posse, ex quavis, licet privilegiata causa, colore et nomine; sed plenarios et integros effectus suos habere, nonobstantibus Apostolicis, etiam in generalibus ac provincialibus conciliis editis, constitutionibus, nec non quibusvis etiam confirmatione Apostolica vel quavis alia firmitate roboratis, statutis, consuetudinibus ac praescriptionibus; quibus omnibus, perinde ac si verbo ad verbum hisce litteris inserta essent, ad praemissorum effectum, specialiter et expresse derogaret et derogatum esse volumus, ceterisque in contrarium facientibus quibuslibet.

Volumus autem ut harum litterarum exempla etiam impressa, manuque

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Notarii subcripta et per constitutionem in ecclesia.

[*Latin ed. p. 617*]

Acta of Pope Pius X. —. — : ——●● 617. With the dignity of men confirmed by their own seal, let the same faith be held as is demonstrated in these present letters. Given in Rome, at St. Peter's, in the year one thousand nine hundred and twelve of the Incarnation of the Lord, on the feast of the Exaltation of the Holy Cross, the eighteenth day before October, in the tenth year of Our Pontificate. A. CARDINAL AGLIARDÏ, S. R. E., Chancellor. Fr. H. M. CARDINAL GOTTI, S. C. de Propaganda Fide, Prefect. VISUM. M. RIGGI, C. A. Not. 61 0 lieg., in Cane. Ap. N. — APOSTOLIC LETTERS. SPECIAL PRIVILEGES AND FACULTIES ARE GRANTED TO THE AUGUSTINIAN RECOLLECTS OR DISCALCED CONGREGATION OF SPAIN AND INDIA. PIUS PP. X. For the perpetual memory of this matter. — Religious families, which, whether by their antiquity, by the frequency of their members throughout the world, or especially by their outstanding labors in promoting the glory of God and the eternal salvation of men, have deservedly earned the highest merits from the Church, We adorn with the most important honors and privileges, according to the custom and practice of the Roman Pontiffs. Therefore, it is well known that the Augustinian Recollects or Discalced Congregation of Spain and India are among the sacred groups deserving of recognition, belonging to the illustrious Order of Eremites of St. Augustine, a most brilliant light of the Church, who trace their origins to the venerable St. Thomas of Jesus, whose mind was always fixed on the life and Passion of Our Lord and Savior, and who happily imitated Him. From this noble origin, it is remarkable how the aforementioned Congregation has progressed; for not only in Spain, but also in South America, in Japan, and in the distant Philippine Islands, it has been enriched by learned and holy men, many of whom have given their lives as martyrs, and has given a clear testimony of apostolic zeal everywhere. This praise, along with other provinces of the same Congregation,

[*Latin ed. p. 618*]

618 — Acta Apostolicae Sedis. — Official Commentary. — : — ● ● : ; ● to them, and especially to Saint Nicholas of Tolentino, must be attributed the efforts he made in those Philippine Islands to spread the name of Christ far and wide. For this province, with God's help, served as a kind of sacred fire, by which the family of the Recollects was revived with great hope in the older regions, where it had been oppressed by the injuries of time, and it produced more abundant fruits of its religious ministry. Therefore, the Roman Pontiffs, our predecessors, considered it fitting to augment the Augustinian Recollect institution with special privileges and indulgences, and We, moved by the same purpose, have deemed it fitting to favorably receive the wishes and prayers of our beloved son, Father Francis Sadaba of the Virgin

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of Carmel, General Procurator, concerning this Congregation born of Our grace. Wherefore, embracing the Augustinian Recollects, also known as the Discalced, with particular benevolence, and desiring to promote their growth and prosperity as much as we can in the Lord, We hereby grant and bestow, by Our apostolic authority, perpetually, that in the future, the supreme Moderator of the same Congregation, who until now has been called the General Vicar, may be called and must be called "Prior General of the Order of Eremitical Recollects of Saint Augustine." With equal authority, We grant that a place be assigned to both the aforementioned General Prior and the General Procurator of the aforementioned Congregation in the Papal Chapel, and to them, respectively, in the functions in which the other Generals of the Orders are involved by pontifical concession. Finally, in order to further demonstrate Our benevolence towards the same Congregation, We hereby, by these letters, perpetually grant the power, by virtue of which the aforementioned supreme Moderator of the Augustinian Recollects shall possess the same faculty as Our beloved son, the Prior General for the time being of the Order of Eremitical Recollects, with regard to the Sodalities of Saint Rita of Cascia and Saint Clare of Montefalco, as well as with regard to the sacred Scapular of the Virgin Mary of Good Counsel. We decree that these present letters shall always exist and be valid and effective, and shall always have their full and complete effect and obtain it, for those to whom they pertain and to whom they will pertain in the future, in all things and through all things, and that they shall be judged and decided in the aforementioned matters by any ordinary and delegated judges, and that they shall be null and void if, by anyone, knowingly or unknowingly, anything should happen to interfere with them, by any authority. These things We grant, derogating from Our Motu Proprio of April 7, 1910, concerning the necessity of reviewing the indulgences granted by the Supreme Sacred Congregation of the Holy Office, and notwithstanding Our and the Apostolic Chancery's regulations regarding due process.

[*Latin ed. p. 619*]

619 The Acts of Pope Pius X, without omitting, and other Apostolic Constitutions and Decrees, whatever they may be, are published. Given in Rome, at St. Peter's, under the Fisherman's Ring, on the sixteenth day of September, 1912, in the tenth year of Our Pontificate. R. L. S. CARD. MERRY DEL VAL, Secretary of State. LETTERS. I. TO R. P. HADRIAN MUNIER, Priest of the Society of Jesus, concerning the publication of the work entitled *Vers l'éternelle beauté*; which he praises, and freely permits a part of the same work to be dedicated to him. Beloved son, greetings and Apostolic Benediction. — Nothing can be more closely connected to human dignity, nor more conducive to the common good, than what you have proposed in that book entitled *Vers l'éternelle beauté*, namely, to elevate the cultivators and admirers of the fine arts to the contemplation

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of the Divine Word. For it is inherent in man a love of beauty, and he pursues it avidly and thirstily, just as he pursues truth and goodness; although, in this as in the other two, he is not infrequently deceived by vain opinions and appearances, and strays from the path. But just as God has implanted this desire and thirst in man, so no other thing can satisfy it except the ineffable beauty of God, whose full vision, as Augustine says, is the highest happiness. Whatever delights and captivates the mind with admiration, whether in this vast array of visible things, or in the rational natures of creatures, or in the works of art, all of this proceeds from the Word of God, for since He is the splendor of the glory and the image of the substance of the Father, He is the supreme Creator and the first Artificer of all things that are besides Himself. Hence, it follows that human artists, if they truly wish to deserve the name, must pursue the divine form that shines forth from created things, in its own kind, and they will be all the more excellent the more closely they approach the likeness of this form. These are, in essence, the sound dogmas of aesthetics, which you draw from the depths of Christian philosophy, and which you illustrate with great learning and artistic elegance; and if these were generally held, they would surely be able to rescue the arts from the narrow and humble circle in which they now often find themselves, and to open up vast new fields for them, in which, inspired by a divine impulse, they may strive for the sublime; and therefore, we are very pleased to hear that your work has been completed.

[*Latin ed. p. 620*]

620 Acta Apostolicae Sedis. - Official Commentary. Those things which are either very subtle, or far removed from Catholic wisdom, so that, as a wondrous novelty, they may be highly approved. For this, We congratulate you most heartily, and We join in praise with Ours, even more so because that endeavor of Ours to restore all things in Christ is, to a considerable extent, touched by your labor. And We are most pleased to hear that the book which you have published, and which is to be considered as a preface to many volumes in which you will write about the most blessed Virgin Mary, We are not in doubt that such good beginnings will be followed by equally good results. And so that it may be apparent how much We trust in your industry and skill, We freely grant you this: that, when you have completed the work which you promise, you may publish it, dedicated to Our name. In the meantime, beloved son, We impart to you Our apostolic blessing, which may testify to Our benevolence and may secure divine favor, most affectionately. Given in Rome, at St. Peter's, on the twenty-seventh day of the month of August, in the year nineteen hundred and twelve, in the tenth year of Our pontificate. PIUS PP. X.

TO THE ILLUSTRIOUS MAN, GUSTAV THÉRY, COUNSELOR AT LAW, ON THE OCCASION OF HIS FIFTIETh ANNIVERSARY.

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It has been most pleasing to Us to learn that you are soon to celebrate the fiftieth anniversary of your marriage to Madame Marie Deicourt, your most worthy wife, and that, through a visible protection of Divine Providence, this happy event occurs for the fourth time without interruption in your patriarchal family. On this memorable occasion of a life so nobly and so gloriously spent in the service of the Church and the nation, in the defense of their most sacred interests, which you have never ceased to promote through the mastery of your talent and the certainty of your doctrine, entirely in accordance with the teachings of the Holy See, We are eager to join in your joy, in the joy of your family and your many friends, and to express to you Our sentiments of goodwill and esteem. As a pledge of divine favors, We grant to you, and to your most worthy wife, with all Our heart, the apostolic blessing.

Rome, September 10, 1912.

PIUS PP. X.

[*Latin ed. p. 621*]

Acts of Pope Pius X, Year III, to the Most Reverend Father Francis Ciceris, Bishop of Papié, concerning the diocesan synod held by him. Venerable brother, greetings and apostolic blessing.

Before you convened the diocesan synod, we strengthened your spirit through letters written by our own hand, and we were most readily and gladly informed of the outcome of the affair. Therefore, having learned, from the testimony of our most favorable will, how much pleasure we received from the letter recently sent to us by the synodal assembly which you presided over, and having understood that you have successfully carried out the best plan, and that the clergy of your diocese, as befits sacred ministers and children of the Church, are perfectly in agreement with us, and are most obedient to this apostolic See, which is truly to be admired, since it is known that the minds of priests are formed by the example of the pastor. Nevertheless, we congratulate you, venerable brother, and we wish that you communicate our congratulations to your colleagues and associates in this work. And what you reported, that it will be pleasing to you, in the assembly of federated societies of the diocese which was to follow the synod, to obey all that the apostolic See has decreed up to this day concerning the popular action, as it is called, seemed to us, as it greatly pleased us, to contain the promise of abundant fruits. For just as those who reject discipline have no hope, and their labors are fruitless, and their works are useless, so those who behave with the utmost modesty, God helps and strengthens with his power. May God, therefore, abundantly bestow this efficacy, which the Church has experienced to a greater extent as the flame of envy has repeatedly flared up against it, now that we need it more. In

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this hope and expectation, you are justified, and all those who, as you do, remember the Church, will be, sixteen centuries ago, divinely received the gifts of liberty and peace, when the pagan emperors considered it almost destroyed by persecution and slaughter. Furthermore, the prosperous course of events for the Catholic name, as you rightly write, foreshadows the fervor of souls in the most august sacrament of the Eucharist, which is aroused everywhere among the nations, and, for the purpose of a solemn gathering held in Vienna, wonderfully burns brightly these days; for it cannot be, but that the common piety, and the same fervent piety, will be poured more abundantly upon the Church from above.

[*Latin ed. p. 622*]

Acts of the Apostolic See. - Official Commentary. May He reward the outpouring of your works. May the apostolic blessing make you participants in these blessings, which we impart with paternal benevolence to you, venerable brother, and to your clergy and people, as a testament to our most heartfelt love in the Lord. Given in Rome, at St. Peter's, on the tenth day of the month of September, in the tenth year of Our Pontificate. PIUS PP. X.

TO THE REVEREND FATHER JOHN CUTHBERT HEDLEY, WHO HAS HAPPILY COMPLETED FIFTY YEARS OF PRIESTHOOD, BISHOP OF NEWCASTLE, WITH GRATITUDE.

Venerable brother, greetings and the apostolic blessing.

We have learned with great pleasure that you are about to celebrate the fiftieth anniversary of your priesthood, and that you will be joined by not only Benedictine brethren, but also by all the bishops of England and almost all the Catholics of England, in this joyful celebration. This great demonstration of esteem undoubtedly shows that your reputation is held in the highest regard, and that everyone has a favorable opinion of you, of your life, and of your virtue.

Indeed, we know your writings, which are distinguished by their clarity of thought and elegance of expression, and we have clearly seen how you have excelled in monastic perfection, in the gravity of your counsel, and in your pastoral care and concern. Therefore, with a paternal affection not dissimilar to our own, we gladly share in your joy, venerable brother, and in the joy of all those who rejoice with you, and we congratulate you both.

As a testimony of Our benevolent charity, we also wish to send with the apostolic blessing, which We impart with heavenly hopes to you, venerable brother, to your diocese, to your clergy, and to your people, a chalice for the sacrifice, which We wish to be sent to you.

Given in Rome, at St. Peter's, on the tenth day of September, in the tenth

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year of Our Pontificate. PIUS PP. X.

[*Latin ed. p. 623*]

The Holy Congregation of the Holy Office. 623. The HOLY CONGREGATION OF THE HOLY OFFICE (SECTION ON INDULGENCES) DECREES: A PLENARY INDULGENCE IS GRANTED IN HONOR OF THE BLESSED VIRGIN MARY, IMMACULATE, TO BE OBTAINED ON THE FIRST SATURDAY OF EACH MONTH. (From the audience of the Most Holy [Pope], on June 13, 1912). The Most Holy Lord, Pope Pius, in order to increase the devotion of the faithful towards the most glorious Mother of God, the Immaculate, and to foster the pious desire for reparation, by which the faithful wish to offer some satisfaction for the execrable blasphemies by which the most august Name and the exalted prerogatives of the same Blessed Virgin are attacked by wicked men, has deigned to grant that all those who, on the first Saturday of any month, having confessed and received Holy Communion, perform special exercises of devotion in honor of the Blessed Virgin, Immaculate, in the spirit of reparation as mentioned above, and who pray according to the wishes of the Supreme Pontiff, may obtain a plenary indulgence, applicable also to the souls of the departed. This decree is valid forever, without any brief being required. Notwithstanding any contrary provisions. M. CARD. RAMPOLLA. L. g. S. f. D. Archbishop of Seleucia, Secretary of the Holy Office.

[*Latin ed. p. 624*]

Acts of the Apostolic See. - Official Commentary. ON THE DECREE CONCERNING INDULGENCES ATTACHED TO THE FEASTS OF THE BLESSED. The following questions were proposed to the Most Holy Congregation of the Holy Office, concerning indulgences granted on the feasts of the Blessed, when these are transferred: I. Whether, if the feast of a Blessed, which does not enjoy external solemnity, is permanently transferred, the indulgence granted to churches of a regular Order is also transferred, only in the case in which such an indulgence has been granted with regard to that Blessed, and with its express name, or also in the case in which it has not been granted with regard to the Blessed, that is, not with its express name, but only attached to the day on which its feast is celebrated? II. And, in order to give an affirmative answer to the first part: Whether the transfer should take place, whether the feast is celebrated for the entire Order, or only for a particular regular province or a single convent? III. Whether the transfer of the indulgence takes place, if, after the feast of the Blessed has been restored to another day, their external solemnity, as in the past before the permanent change of the day, continues to be observed by the people? IV. Whether, when the feast of the Blessed of the Order of St. Francis is celebrated by various Franciscan families, not on the same day but on different days, the secular tertiaries can avail themselves of the in-

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dulgence attached to that feast, on the day on which that feast is celebrated by the family to which they belong, even if in their own summary of indulgences it is indicated that it should be obtained on another day? V. Whether tertiaries, if their sodality is established in Franciscan churches which have permanently transferred the feasts of the Blessed to another day, can only obtain a plenary indulgence on the day of the transfer? VI. Whether tertiaries, who do not have a church where their sodality is established, and therefore are able to merit such an indulgence in any Franciscan church, can acquire the same indulgence multiple times, if the feasts are celebrated on different days in different churches? After mature consideration of these questions, the Eminent Fathers, together with the undersigned General Inquisitor, on Thursday, June 12, 1912, declared: Regarding I. Affirmative to the first part; negative to the second part. Regarding II. The Decree of the Sacred Congregation of Indulgences, January 12, 1878, is to be observed.

[*Latin ed. p. 625*]

Sacred Congregation for Religious Orders. Regarding III. Negative, according to the Decree of the Sacred Congregation for Indulgences, of the City and the World, August 9, 1852. Regarding IV. The tertiaries, at their discretion, may perform it on the day specifically designated, or on the day on which the feast is celebrated by the family to which they belong; provided, however, that each individual may obtain the indulgence only once. Regarding V. Provision made in the preceding. Regarding VI. Negative. And on Friday, the 13th of the same month and year, the Most Holy Lord Pope Pius, by divine providence, having granted a private audience to the Reverend Father Assessor of the Holy Office, deigned to benignly approve the resolutions of the aforementioned Fathers. M. CARD. RAMPOLLA. L. © S. f Donatus, Archbishop of Seieucien., Secretary of the Holy Office.

CONCERNING COMMUNION FOR THE SICK IN MONASTERIES OF PAPAL ENCLOSURE. Published by the Sacred Congregation, on December 20, 1905, the Sacred Council of Trent decreed, among other things, that frequent and, especially, daily Communion should be promoted, particularly in religious institutes of any kind; it was also necessary to consider the situation of the sick who are within the walls of monasteries of papal enclosure; since the enclosure itself, as determined in current canon law, seemed in practice to present some impediment to the more frequent Communion of the sick, especially because, according to the rules, only the confessor, and in his absence the chaplain, and if the priest is a religious, accompanied by a companion, may enter the cloister of the monastery to administer the Sacraments to the sick. ACTA, vol. IV, n. 18. — 30-9-912. 46

[*Latin ed. p. 626*]

626 Acta Apostolicae Sedis. - Official Commentary. Wherefore, the Eminent and Reverend Fathers Cardinals of the Sacred Congregation for Re-

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ligious, taking advantage of certain doubts which had arisen concerning the matter in question, on August 30, 1912, in a plenary assembly held at the Vatican, concerning the administration of Holy Communion to the sick in enclosed religious houses, deemed it fitting to decree the following: In the absence of a confessor or chaplain, a third priest, even a religious, may lawfully be called, even without a companion, with the permission of the bishop, who for this permission may also designate the abbess or superior, habitually, to grant this permission; such a religious may administer Holy Communion to the sick, who are unable to descend to the church. However, it must be that four religious of mature age, if possible, accompany the priest from the entrance to the enclosure until the exit, and the priest, who carries the sacred pyx containing consecrated particles, must administer Holy Communion, return to the church, and deposit the same sacred pyx, observing the rubrics established by the Roman Ritual for the Communion of the sick. And this opinion and resolution of the Eminent Fathers was deigned to be approved and confirmed by our Most Holy Pope Pius X, upon the report of the undersigned Secretary, on September 1, 1912. Contrary opinions notwithstanding. *'' Given in Rome, from the Secretariat of the Sacred Congregation for Religious, on September 1, 1912. Fr. I. C. CARD. VIVES, Prefect. L. S. f Donatus, Archbishop, Secretary. II. DOUBT REGARDING INDULGENCES FOR ABSTINENCE AND FASTING RELATING TO RELIGIOUS. The Reverend Father Anthony Fiat, Superior General of the Congregation of the Missions and the Daughters of Charity, requested a solution to the following doubt from the Sacred Congregation for Religious: Whether in the apostolic indulgences, in which mitigations or dispensations are granted from abstinence and fasting in regions within and outside of Europe, especially in Latin America, the religious families residing there are included. The Eminent and Reverend Fathers Cardinals of the aforementioned Congregation...

[*Latin ed. p. 627*]

The Congregation of Religious, assembled in the Vatican on August 30, 1912, after mature deliberation, responded as follows:

I. Affirmative, regarding abstinence and fasting as prescribed by the general law of the Church, unless the religious are excluded from it by a dispensation.

II. Negative, regarding abstinence and fasting established by their own Rules and Constitutions, unless explicit mention of this dispensation is made in the dispensation itself. Therefore, those who do not observe such abstinence and fasting, indeed transgress their Rule and Constitution, but not the law of the Church; and therefore, they incur only fault and the penalty established by the Constitutions or Rules.

III. Regarding religious living in Latin America, the most recent Indult granted by the Secretariat of State on January 1, 1910, should be followed.

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The Most Holy Pope Pius X, after reviewing the report of the undersigned Secretary, deigned to approve and confirm these responses of the Most Eminent Cardinals on September 1, 1912.

Given in Rome, from the Secretariat of the Sacred Congregation of Religious, on September 1, 1912.

Fr. I. C. CARD. VIVES, Prefect.

L. © S. f Donatus, Archbishop, Secretary.

III. A QUESTION REGARDING RELIGIOUS WHO HAVE TAKEN SOLEMN VOWS AND ARE TEMPORARILY OUTSIDE THE CLOISTER.

This Sacred Congregation, concerned with the affairs of religious members, inquired whether a religious, having been dismissed from the regular habit, and living temporarily outside the cloister by apostolic dispensation, with the faculty obtained from the bishop to celebrate Mass and perform other works proper to a priest, remains subject to the same Ordinary, so that the bishop has over him both jurisdictional and authoritative power, even though the usual formula is absent in the Rescript: "He is subject to the Ordinary in all matters, even in matters of solemn obedience."

The Most Eminent Cardinals of the same Congregation, assembled in plenary sessions at the Vatican on August 30, 1912, after the vote of two Consultors by office, and after mature deliberation, responded:

Affirmatively, with the consent of the Most Holy.

[*Latin ed. p. 628*]

Acts of the Apostolic See. – Official Commentary. 628 Furthermore, His Holiness, upon reviewing the report of the undersigned Secretary, deigned to approve and confirm the response of the Reverend Fathers to the aforementioned matter, notwithstanding any objections. Given in Rome, from the Secretariat of the Sacred Congregation for Religious, on the 1st of September, 1912. Fr. I. C. CARD. VIVES, Prefect. L. "S. f Donatus, Archbishop; Ephesinus, Secretary. APPOINTMENTS OF BISHOPS. By Apostolic Briefs, the following were appointed: August 19, 1912. – Bishop of Bockhampton in Australia, Reverend Joseph Shiel. – Titular Bishop of Elaea and Apostolic Vicar of Kiam-si Oriental in China, Reverend John Louis Clerc-Renaud, of the Congregation of the Missions. August 21. – Titular Bishop of Tanagra and Apostolic Vicar of the new vicariate of Mariana and Garolina, Reverend Salvator a Wieden, formerly known as Peter Walleser, priest of the Order of Friars Minor Capuchin.

[*Latin ed. p. 629*]

Sacred Roman Rota, Cologne. Concerning the Nullity of Marriage (Hospelt-Bernardth). During the blessed reign of Pope Pius X, in the ninth year of his pontificate, on the 10th of June, 1912, the Most Reverend and Most Eminent Fathers, Joseph Mori, Prefect, Frederick Cattani, and

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Anthony Perathoner, Auditors of Tournon, in the case of "Cologne - Nullity of Marriage," considering the appeal presented against the judgment of the Sacred Rota of August 27, 1910, by Anthony Hospelt, represented by his legitimate procurator, the advocate Christopher Astorri, and with Ludwig Bernardth present and arguing in the case as Defender of the Bond ex officio, delivered the following judgment. Anthony Hospelt, a Catholic, son of a wealthy merchant in the city of Cologne, born on October 23, 1882, while serving his military service voluntarily in the city of Strasbourg, having reached the age of twenty, or in the year 1892, contracted a scandalous relationship with a certain woman belonging to the Evangelical sect, named Ludovica Bernardth. This woman, aware of the young man's wealth, endeavored by all means to ensnare him, not excluding the possibility of a betrothal, promising to become his wife. When this was reported to Anthony's father, he used every means to dissuade his son from this harmful relationship, fearing that it might be sanctioned by marriage, and even threatened him with disinheritance, a penalty which recent German laws permit to parents against disobedient children, if they do not return to a proper way of life. However, the father's efforts proved futile, due to the ever-increasing passion that consumed Anthony, who had become infatuated. Having completed his military service and spending several days with his parents in the city of Cologne, Anthony then traveled to the city of Basel, where he stayed with Ludovica for 14 days. During this brief stay, a certain Honauer, a relative of the woman, and a certain Stubinger, a friend of hers, were the instigators, urging Anthony, who had already turned twenty-six years old on October 26, 1903, and Ludovica, to proceed with the marriage in the city of London, in order to avoid the father's objections and to free the woman from his vexations.

[*Latin ed. p. 630*]

630. Acta Apostolicae Sedis. - Official Commentary. The matter was resolved by decree; for Ludovica and Anthony arrived in London on November 2, 1903, and, with everything prepared for the marriage, with the help of a certain Tunk, the marriage was celebrated before a civil official on the 4th of the same month. After the celebration of the marriage, the newlyweds departed for the city commonly called Carlsruhe, and there, having begun their married life, they lived together until the summer of the following year, 1904. This marriage, as could easily be foreseen, met with an unhappy outcome; for soon, quarrels and discord began to arise between the spouses, which progressed to the point that conjugal companionship became almost impossible. Therefore, Anthony, at the end of June of the year 1904, instituted a lawsuit against Ludovica before the local civil court of Carlsruhe, seeking a divorce from his wife, to which action he sent notice in the following month of November. In June of the following year,

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1905, the man repeated the lawsuit, and the same court, on July 14, 1906, granted a divorce on the grounds of the fault of the husband, or plaintiff, rejecting his lawsuit and admitting the counterclaim of the wife. From this judgment, Anthony appealed to the court of second instance, which, on May 20, 1908, decreed the admission of the divorce on the grounds of the fault of both parties. Having obtained the judgment of divorce, Anthony, desiring to enter into new marriage with a girl named Maria Asbach of Cattolica, to whom he had been devoted from his early years and whose affection had not ceased even during his marital relationship with Ludovica, instituted an action for the nullity of the marriage contracted in London, based on lack of consent, before the ecclesiastical court of Cologne, and the court of Cologne, after a preliminary investigation and other necessary legal proceedings, by judgment of April 22, 1909, granted the petitioner's request. Then, while the judgment was still pending, Anthony, in contempt of ecclesiastical law, civilly married Maria Asbach. From this judgment, the Defender of the Sacrament of Cologne directly appealed to the Holy See, and on August 27, 1910, after the case was debated under the usual formula of inquiry, the response came against Anthony, namely, in the negative. After his advocate presented a second appeal and a new supplementary process was conducted, the case was again brought up for debate under the following question: Whether the Royal judgment of August 27, 1910, should be confirmed or overturned in this case. As for the law, the Most Reverend Fathers considered the following. In places where the head of Tametsi of the Council of Trent has not been published, as in England,

[*Latin ed. p. 631*]

In Saxony, on the 631st day, in the city of Strasbourg, and in other regions which the canonists will enumerate, or to which the privilege of the Benedictine declaration concerning mixed marriages extends, the validity of marriage is governed by the law of the Decretals, and the consent of the parties is considered, provided that no other canonical impediment exists, according to the words: "Consent makes marriage, and not concubinage." And provided that the contracting parties have the true intention of entering into marriage, or that marital consent has been given. For Christ the Lord has "raised the natural contract of marriage to the dignity of a sacrament, and for Christians, sacrament and contract are one and the same, and inseparable from each other." Therefore, civil marriages celebrated in places outside of Trent, before a civil official, are true marriages, provided that the contracting parties do not have the intention of performing merely a civil ceremony. On this matter, Wernz (Ius Matrim., p. 326) writes: "Contracting parties, whether they are spouses, Catholics, or baptized non-Catholics, who are not subject to the law of Trent in the mere celebration of marriage, although the act is illicit, nevertheless enter into a valid marriage, provided that they have the intention of entering into a true

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marriage, and that no other canonical impediment exists; but if they only intend to perform a civil ceremony, then, if from their intention follows a true marital contract before a minister of the cult in the church, which must be religiously celebrated, such a civil marriage is completely devoid of value. Therefore, in these places, civil marriages are not valid because of the form and the civil law observed, nor absolutely and simply, but with a condition: 'provided that it is clear from their mutual consent,' that is, the consent of the spouses, according to the ancient law of the Decretals." See Cardinal Gasparri, De Matrim., vol. 2, ed. 1904, no. 1526. Now, the contracting parties Hospelt and Bernardth were not subject to the law of Trent by reason of the place where the marriage was celebrated, namely, London, because, as in England and Scotland, that law is not accepted there; but they were also not subject to the law by reason of the place where the spouses had previously resided before going to London. Indeed, the matter at hand concerns mixed marriages, but Anthony, being a citizen of Cologne, availed himself of the privilege of exemption concerning mixed marriages, by virtue of the declaration of Pope Pius VIII, dated March 25, 1830, addressed to the Archbishop of Cologne and the Bishops of Treves, Paderborn, and Munster. "Now, through these letters, we wish and command that mixed marriages which, after this date (March 25, 1830), may be contracted in your dioceses, if no other canonical impediment exists, be considered valid and true marriages, as we, by our apostolic authority, declare and decree that such marriages are true and valid."

[*Latin ed. p. 632*]

632 Acta Apostolicae Sedis. - Official Commentary. The same privilege was enjoyed by the Ludovica branch of the evangelical sect, as is well demonstrated by the aforementioned sentence, and by Anthony Hospelt. Therefore, this marriage would be rendered invalid due to the vice of clandestine celebration, and Anthony's defender was compelled to leave this province. Secondly, the Reverend Fathers have noted that, concerning such marriages, those initiated without observing the Tridentine form, a presumption exists regarding their validity, provided that it is established that there was a marital consent between the spouses: "If the contracting parties - says Lemkuhl, Theol. mor., II, n. 692, 3 - or either of them "know that their marriage is to be distinguished from the civil marriage, and intend to perform only a "civil act in the civil marriage (which they cannot fail to intend if they are, even falsely, convinced that they cannot enter into a true marriage), the marriage is not valid. "However, if they are only doubtful or even believe that they cannot enter into a marriage, but both, as far as possible, intend to enter into a true marriage, the marriage is valid." And Aichner, in his Compendium Iuris Eccl., ad 10, page 692, note 32, adds specifically to this matter: "It has been debated whether mixed marriages contracted civilly are valid in regions where the impediment

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of clandestine marriage does not apply. The true answer is that they are valid in those places, unless it is established that the contracting parties intended, by contracting before a civil magistrate, to perform only a civil ceremony, and subsequently to complete the ecclesiastical marriage before their own parish priest. For, if this is proven, there would be no civil marriage. Therefore, the presumption holds for validity, but this is not a presumption of law and of right, which excludes contrary proof, but merely a presumption of law which admits contrary proof." This doctrine corresponds to the declarations of the Holy Office, of December 10, 1866, September 6, 1876, and July 2, 1892, in the last of which it is said to the Archbishop of Cologne: "The presumption holds not for nullity, but rather for the validity of both marriages (that is, mixed marriages), whether contracted civilly or clandestinely before a non-Catholic minister, which are exempt from the Tridentine law in that place." The doctrine of this Holy Tribunal in the case of Nullitatem Matr. coram Heiner is also similar; there, it is stated: "Therefore, in every case, it can be presumed, or should be presumed, that the marriages of Protestants, contracted before a civil magistrate, are valid, unless other impediments intervene." The same can be said in general with regard to Germany, concerning mixed marriages contracted in places not subject to the Tridentine decrees, whether the decree of Tametsi, in fact, does not have the force of law due to the omission of publication, or whether, with regard to non-Catholic and mixed marriages, it has been derogated by the Benedictine declaration by the Apostolic See. Because in these places, any consent effects a marriage.

[*Latin ed. p. 633*]

Saint Bonaventure's Boot. 633 "It must also be considered that the Catholic party, who neglects the 'celebration' of the ecclesiastical marriage, at least intended to enter into a true marriage before the civil magistrate. However, if anyone asserts that their marriage, contracted only civilly, is nevertheless invalid, this assertion must be proven." Thirdly, the Most Reverend Fathers noted that, in these marriages, the presumption of validity, based on alleged rights, militates in favor of the marriage; therefore, the confession of the spouses, and all the more so a sworn confession, even if made, is not sufficient to declare the bond dissolved, not only because it is rejected by the Austrian law concerning matrimonial causes, article 148, but also because it is not admitted according to the aforementioned declaration of the Holy Office of the year 1866 (Cf. Vering, Archiv, Y 41, p. 294), which states: "The Supreme Sacred Congregation of the Holy Office has examined the question you proposed on June 7 of this year, concerning the validity of the marriage of 1863, celebrated in Bonn between Titus and Sempronia. There is no doubt that a mixed marriage, not celebrated according to the 'forma' of the Council of Trent in your diocese, and therefore contracted only civilly, as you yourself rightly point

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out, is valid by virtue of the Brief of Pope Pius VIII of March 25, 1830. Nevertheless, the case you present concerns a particular circumstance, which, after examining all the circumstances, must be considered, and it concerns a matrimonial cause which must be judged according to the formally accepted proceedings. Therefore, the Fathers, together with the Inquisitors, considered it necessary to summon both the man and the woman for a formal examination, so that they would swear, with the sanctity of an oath, whether they considered that they had entered into a true marriage without the presence of a priest, or not; and, if they did not consider that they had entered into a true marriage, they are urged to prove their assertion as best they can." Therefore, for the declaration of nullity of a marriage begun civilly, the assertion of the spouses that they did not intend to enter into a true marriage is not sufficient, but this must be clearly proven. In fact. - After this, the Most Reverend Fathers, proceeding to examine the facts, having stated that the case in question concerns a mixed marriage and that neither of the contracting parties was bound by the law of Trent, they held that it had not been sufficiently proven, either from the evidence presented in the first process or in the supplementary one, that Anthony, in the marriage celebrated in London, intended only the civil ceremony and not rather a true marriage; therefore, since the presumption in favor of the validity of the marriage still remains, they concluded in favor of confirming the appealed sentence. In truth, the entire question at present is reduced to this, namely, to investigate whether there was a true marital consent in the marriage in question, or whether the contracting parties intended only the civil ceremony and not to enter into a true marriage.

[*Latin ed. p. 634*]

634 Acta Apostolicae Sedis. - Official Commentary. Certainly, the contracting parties were, in themselves, legally capable; but Anthony claims that he was unaware that the civil marriage contracted in London could be valid even before the Church: "By entering into the civil marriage with Bernadth, I had absolutely no knowledge of the fact that the marriage, simply civil, even without ecclesiastical celebration, could be valid before the Church." But this ignorance or error of law is not sufficient to exclude consent in a true marriage, for the following reason, as Sánchez states (De matr., book 2, dissertation 33): "Because if a heretic believes baptism to be a ridiculous thing and to have no value, he truly baptizes if he truly intends to do what he can and intends the Church to do, as all agree, and thus with an error concerning the value of baptism, consent is compatible; therefore, similarly in our case, although these may be mistaken, believing that marriage is not valid, they can have a legitimate consent, and they have it if they intend to do what they can and intend the Church to do"; and the author adds further that, to spouses who impugn this consent in

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the external forum, it should not be believed. "It must be observed that in the external forum, faith should not be applied if they deny that they consented; otherwise, in the forum of conscience." Therefore, in this case, Anthony should positively demonstrate that he limited his intention or consent to the mere civil ceremony or the pursuit of concubinage, which is not sufficient to perfect the marriage. Carriere also states (De Matr., p. 329 and following): "Or, he who considered himself bound by an impediment had such an idea of the impediment in his mind, and was therefore convinced that he could not actually marry, so that he did not even want to consider it, and only sought concubinage, and then the marriage is invalid, because it is evident that the necessary consent is lacking. Or, whether through ignorance or inattention, he truly and intends to contract marriage, so that it can be said that he truly wanted to do so as far as he could, and then the marriage is valid, because the will to contract is the predominant will or is bound to the condition of the present, which, when it exists, immediately the will takes effect." Moreover, if the depositions of the contracting parties, as well as the acts that preceded, accompanied, or followed the impugned marriage, are considered, then it becomes clear that there was a marital consent, so that the presumption can be said to have been converted into truth. Meanwhile, for the clarity of the controversy, it is diligently necessary to distinguish the cause of the contract from its object. The cause is the motive that impels one to contract marriage; the object is the mutual delivery of bodies for the procreation of offspring, or the consortium of all life, as the Romans said, and here the contract is purely consensual; hence the axiom: "matri-

[*Latin ed. p. 635*]

The Roman Rota. 635 "Consensus makes a marriage, not cohabitation," which was established by the law of the Decretals, and after the passage *Tametsi* in places outside of the Council of Trent, until the most recent decree *Ne temere*. The reason compelling the case, from the part of Anthony, was primarily the fear that his father would disinherit him according to recent German civil laws, which grant this power to parents over disobedient children; from the part of the woman, it was liberation from the annoyances and vexations with which she was oppressed by her father, Anthony, or even, if he commands it, the appropriation of the wealth with which Anthony prospered, but this has nothing in common with the question of consent or its object. Having declared these things, the Most Reverend Fathers argued that the existence of marital consent was first established from the deposition of the spouses, duly given in court. From the entire context of Lucy's deposition, it is clear, and it is sufficient to quote the following words: "Naturally, I considered it a true 'marriage,' through which we were to belong to each other 'forever as husband and wife.' At the same time, I am convinced that 'Anthony Hospelt gave the

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same importance to the civil ceremony as I did. On the day of the marriage, he said to me: 'Here, little wife, now we are united until death, now nothing can separate us anymore.'" Who can deny that from these words it does not appear that the wife gave true marital consent? To this, it must be added that, in her letters written to Anthony in the month preceding the marriage, she calls him not once, but repeatedly, her husband. Similarly, marital consent is also established from Anthony's deposition: "Lucy Bernardth - he says - considered herself based on the marriage 'made in London' as my true wife, as I also considered myself her true and legal husband. We never spoke between us of an ecclesiastical marriage; Bernadth had no religion at all." Therefore, if Anthony considered himself not only a legal but also a true husband, it must certainly be said that he did not intend exclusively the civil ceremony, but also gave true consent to the marriage; nor is this invalidated, as has been noted before, by the fact that he did not think about an ecclesiastical marriage, or that he was ignorant that a marriage could be valid even if not celebrated before the Church, but only before a civil magistrate, because this inadvertence or ignorance does not destroy or alter the nature of the thing, as Cardinal D'Annibale says, *Summa Theologiae*, V, 3, n. 488, in note n. 45, ed. ul.: "It does not matter that the opinion which has long prevailed among them (the Orientals, the Greek rite) that marriages celebrated without a priest and two witnesses are of no importance, because their false estimation does not change the truth of the matter, by which law we are governed, but rather from this it can be inferred that no limitation was imposed on the consent given." Nor can it be said that Anthony intended a dissoluble union.

[*Latin ed. p. 636*]

636 Acta Apostolicae Sedis. - Official Commentary. according to civil law in giving consent. For when questioned by the judge: "Did you reflect beforehand about the marriage and consider what it would be like later, and whether you would always be with Luisa Bernardth?", he replied: "I did not reflect on it; I was terribly in love with her, and I wanted to protect her from the dangers of my father." The same must be said about the doubts that arose concerning the intention on the part of Ludovica: "Although I did not believe the expressions given by the Bernardth, I still had strong doubts about the honest intention of the same." But he was blinded by the passion of love, and therefore, the doubts that arose could not change his mind. Furthermore, it cannot be argued that Anthony had a contrary intention regarding the perpetuity of the marriage with Ludovica, given the fact that, after the civil marriage, he wished to marry Mariam Asbach, whom he had loved since adolescence. This relationship with this woman, whatever it may have been, only indicates Anthony's levity and fickleness; and this levity and fickleness are even greater when it is considered that Anthony, after the marriage with Ludovica, also associated with other women.

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Furthermore, the Reverend Fathers held that Anthony could not be assisted in the instituted action by new testimonies or declarations. For what his mother says: "I always had the conviction that the relationship of my son with the Bernardth was not a valid marriage," this only expresses her opinion. The same must be said about the testimonies of the pastors Kremer, Steinberg, and Ditges, who testified in favor of the nullity of the disputed marriage, or that this opinion should prevail in Germany with regard to civilly contracted marriages in places not subject to the Tridentine rite, and therefore, these do not invalidate the exceptions made in the appealed sentence against the testimonies of the witnesses in the first process. They also felt that the new testimony given by the lawyer Wirt, intended to diminish the credibility of the accused Ludovica, was not sufficiently persuasive, concerning a certain private conversation that he had with Ludovica on the day following, namely, on December 15, 1908, during his examination before the delegated judge in the city of Carlsruhe. "In this conversation, she told me, among other things, that she had stated in the interrogation that, after the civil marriage in London, she left with Hospelt for Carlsruhe, with the intention of carrying out the procedures for the religious marriage, according to the prescriptions of the Catholic Church. She considered this statement to be harmful to Hospelt (a circumstance that Anthony denied in court). At the same time, she said that she had been advised to present letters, the content of which would be...

[*Latin ed. p. 637*]

The Roman Rota. 637 "was harmful to him. She also declared that she was prepared not to present the letters in the trial and thus to testify in his favor, if she were correspondingly compensated. She then said that she wanted to go to the Cardinal, if she were not financially satisfied." These letters, indeed, were presented by Bernardth, as the witness states in his first deposition, and it does not appear that any compensation was given; nor was Bernardth questioned about this circumstance in the trial. Therefore, the testimony presented to the Fathers of Rome was not considered of sufficient weight to overturn the judicial depositions of Ludovica, which, as long as they stand, enjoy the favor of the law according to article 149 of the cited Austrian instructions. The Fathers of Rome considered the same argument to be added to the defense's argument, and a secret report was presented, as well as the sworn testimony of the investigator Adrian concerning Ludovica's dishonest actions or deceptions in order to entice men into illicit relations, or the secret letters from Heineman, requested by Father Anthony, to investigate the woman's morals and life, and to prevent the marriage. Indeed, these immoralities reveal Ludovica's wicked character, but they cannot obstruct the cause of marriage, so that she, as the accused, may be heard and her depositions received, until she is proven to be lying. Nor can it be proven that she was unable to give true marital consent, either

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because she was already betrothed to several men, or because she belonged to the Evangelical sect, which admits the dissolution of marriage. But this last point, that is, the erroneous belief of the Evangelicals regarding the dissolution of marriage, does not invalidate their marriages, because they intend to celebrate marriage according to the will of Christ, who made it indissoluble, and the general belief remains absorbed by this intention (cf. Benedict XIV, De synod, dioec., lib. 13, c. 21, and Gury with Ballerini's notes, vol. 2, p. 723, in the note). The only case, according to the decision of the Holy Office on December 2, 1680, is if such an intention of breaking or dissolving the marriage was included in the agreement or contracted with that condition. Regarding the second or first point of difficulty, it can be answered that two things must be carefully distinguished in this case, namely, the will to enter into marriage and the will not to observe the obligations of marriage. If the second is questioned, and the following words of Ludovica, spoken before entering into marriage, are considered, about which Anthony testified and which the witness Adrian recounts, "Now I have caught him in my net, I could then get a divorce and receive a sum, and then I would be able to marry the former lover," it seems that there is no doubt about her wicked intention. But since this intention was not included in the agreement, it does not...

[*Latin ed. p. 638*]

638 Acta Apostolicae Sedis. - Commentarium Officiale. It cannot be argued that the marriage is null, but only that a perverse will has hindered the fulfillment of its obligations. But something else must be said about the initial, or firm, will of both parties to celebrate the marriage; for, besides the marital consent, which is invincibly proven by her judicial confession, it is also deduced from the fact that Ludovica urged Anthony to take a trip to London, so that he would be present there to celebrate the desired marriage, and also from her letters. Thus, in one letter to Mr. Heinemann, while Ludovica laments the impediment raised by Anthony's father to the marriage and defends herself against the accusation made against her of an improper relationship with the same Heinemann, she says: "Yesterday evening I spoke with Anthony himself. He said that he could not believe it, which certainly is a great comfort to me. You know how much I love him and how much it would have been a terror to me if he did not have faith in me," that is, because of the previously initiated betrothal. Furthermore, the Fathers of the Church inferred the firmness of the conjugal bond from what preceded, accompanied, and followed these events. Indeed, there had been betrothal between Ludovica and Anthony, in which Mr. Heinemann was present, and whose validity Anthony's father attempts to invalidate, using the help of many friends to avoid the marriage. Despite this opposition, Anthony's love for Ludovica, rather than diminishing, increased: "We want to work and marry, because I can no longer live with you like this, and you, my

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dear, are enough for me; rather poor and happy than rich and dependent," from a letter from Anthony to Ludovica dated November 3, 1903, and there also: "Before the whole world, I want to be only your legitimate husband." Anthony, urged by Ludovica, in order to achieve the desired celebration of the marriage and to escape his father's anger, flew to London with her, and there, after overcoming parental obstacles, he completed the marriage, and from then on, marital life was established between the spouses, which lasted until the summer of 1904. Truly, from the aforementioned facts, who would believe that the couple intended only to perform a civil ceremony, and not rather a true marriage, which they could not enter into in Germany due to the opposition of Anthony's father? Certainly, Anthony did not contemplate an ecclesiastical marriage; but this, as has been explained above, does not prevent him from having intended, by this celebration, to fulfill the obligation he had undertaken through the initiated betrothal, and this is sufficient to establish that the consent, although illicit, was truly marital on both sides, and therefore, considering natural law and the Decretals, the marriage existed, even if the parties were not bound by the decree of the Council of Trent.

[*Latin ed. p. 639*]

Diary of the Roman Curia. 639 Having considered all matters of fact and law, invoking the name of Christ, We, the undersigned Auditors, sitting in judgment and with only God before our eyes, decree, declare, and pronounce that there is no basis for declaring the marriage null in this case; or, responding to the proposed question, We answer affirmatively to the first part, and negatively to the second part, – furthermore, We order that the plaintiff be held liable for all expenses of the proceedings. Thus We pronounce, commanding the Ordinary authorities and officials of the tribunals to whom this pertains to enforce this Our definitive judgment, and to proceed against those who resist, in accordance with the sacred canons, especially chapter 3, session 25, concerning Reform, of the Council of Trent, employing the executive and coercive means that shall prove most effective and appropriate for the circumstances. Rome, on the 10th of June, 1912. Joseph Mori, Prefect. Frederick Cattani, Anthony Perathoner. S. Sac. T. Tani, Notary. DIARY OF THE ROMAN CURIA, SECRETARY OF STATE. BY ORDER OF THE SECRETARY OF STATE, the Holy Father has deigned to appoint: 27th of September, 1912. – Protector of the Institute of the Sisters of the Holy Family of Reimet (Brussels), His Eminence, Cardinal Gennaro Granito Pignatelli di Belmonte. Secret Honorary Chamberlains: 5th of August, 1912. – Monsignor Evangelista Pereira Barros, of the archdiocese of São Paulo, Brazil. 17th of August – Monsignor Anselm Poock, of the diocese of Salford (England). 20th of August. – Monsignor Giovanni Pietro Martin, of the diocese of Pinerolo. 27th of August. – Monsignor Sigismondo

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Pawlowscki, Parish Priest in Kolomyia, of the diocese of Leopoli.

[*Latin ed. p. 640*]

640 Acta Apostolicae Sedis. - Commentarium Officiale.

Honorary Chamberlains in the purple cassock: August 27, 1912. — Mons. Giulio Boccali, of the diocese of Perugia. August 28 — Mons. Porfirio de Souza Martins, Episcopal Chancellor of the diocese of S. Carlo del Pinhal, September 9. — Mons. Gaetano Pierini, of the diocese of Cortona. — Mons. Pellegrino Fini, of the same diocese. September 19. — Mons. Luigi Ferrari, of the diocese of Vicenza.

Honorary Chamberlains outside the city: August 8, 1912. — Mons. Luigi Mulas, of the diocese of Ogliastra (Sardinia). August 27. — Mons. Adolfo Faeh, of the diocese of S. Gallo (Switzerland).

Honorary Chaplains outside the city: August 16, 1912. — Mons. Pietro Kragic, of the diocese of Sebenico.

NECROLOGY. September 25, 1912. — Mons. Enea Mac Farlane, Bishop of Dunkeld.

[*Latin ed. p. 641*]

Year IV. - Volume IV. October 15, 1912. No. 19. ACTA APOSOLICAE SEDIS. OFFICIAL COMMENTARY. PAPAL ACTS. APOSTOLIC LETTER. PARTIAL INDULGENCES ARE GRANTED TO THE FAITHFUL OF THE REPUBLIC OF MEXICO, THOSE WHO RECITE PRAYERS IN HONOR OF THE VIRGIN OF GUADALUPE. PIUS PP. X. For the perpetual memory of the matter. – It is Our care that nothing be more important than that the Christian people, through frequent prayers, should honor God and His Virgin Mother, and obtain divine mercy for themselves; therefore, for all the faithful of the entire territory of Mexico who, as indicated below, have prayed, We freely open the heavenly treasures of the Church. Wherefore, confident in the mercy of Almighty God and in the authority of the Apostles Peter and Paul, and having also heard the venerable brothers, Our Cardinals, the General Inquisitors of the Holy Roman Church, We grant, to all and each faithful of both sexes residing throughout the Republic of Mexico, who, with at least a contrite heart, have devoutly recited one or the other of the following prayers, whether in the vernacular or in any other language, provided that the translation is faithful, three hundred days of the penitences prescribed to them, or of any other penitences they may owe, according to the custom of the Church, each time they do so. We also mercifully grant and bestow, in the Lord, that all and each of these indulgences, remissions of sins, and relaxations of penances, may also be applied for the souls of the Christian faithful detained in Purgatory, as a form of suffrage. These prayers are: "Virgen de Guadalupe, Reina de

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México, salvadnos." - "Santa Maria de Guadalupe."

[*Latin ed. p. 642*]

Acts of the Apostolic See. - Official Commentary. "May our hope be, save our homeland." In opposition to those who act contrarily, whatever they may be. Valid forever. Given in Rome, at St. Peter's, under the Fisherman's Ring, on the 5th day of July, 1912, in the tenth year of Our Pontificate. For the Most Reverend Cardinal Merry del Val, from the Secretariat of State. N. Canali, Substitute. (SECTION ON INDULGENCES). DECREE. To those who recite the prayer "I beseech Thee, O most merciful Lord, etc.", the remission of faults and sins committed during the recitation of the Holy Sacrifice of the Mass is granted. This, which has already been done in times past by many pious priests, is now again renewed, so that supplications may be offered, to obtain, in favor of those reciting it, after the celebration of the Holy Sacrifice of the Mass, the commonly known and most devout prayer "I beseech Thee, O most merciful Lord, etc.", the remission of faults and sins committed therein through human frailty: as was granted by the Most Holy Pope Leo X to those who recite the prayer "Holy God, Holy and Strong, Holy and Immortal," after the Divine Office. These prayers, humbly presented in an audience with the Most Reverend Prelate, Assistant of the Holy Office, on August 29, 1912, were graciously received by Our Most Holy Father, Pope Pius X, and He deigned to grant that all priests, reciting the aforementioned prayer after the Divine Mysteries, may, if properly disposed, and unless hindered, obtain the desired remission; and He also declared that the Indulgence of three years, granted by the Most Holy Pope Pius IX on December 11, 1846, to the aforementioned prayer, remains in full force. This present decree is valid forever, without any further dispensation. Contrary to anything to the contrary notwithstanding. M. L. ©.S. CARD. RAMPOLLA. f D. Archbishop of Seleucia, Assistant of the Holy Office.

[*Latin ed. p. 643*]

SACRED CONGREGATION OF BISHOPS. 643 PRAYER. I beseech you, (most merciful Lord Jesus Christ, that your Passion may be my strength, whereby I may be fortified, protected, and defended; your wounds may be my food and drink, whereby I may be nourished, refreshed, and delighted; the sprinkling of your Blood may be the cleansing of all my sins; your death may be my eternal glory. May these things be the refreshment, the joy, the health, and the sweetness of my heart. Who live and reign world without end. Amen. PROVISIONS FOR CHURCHES. By successive decrees of the Sacred Congregation of Bishops, the Most Holy Pope Pius X provided for the following churches, namely: April 10, 1912. — The Metropolitan Church of Toronto was assigned to the Reverend Mr. Neil Me Neil, formerly Archbishop of Vancouver. May 6. — The Cathedral Church of Cuernavaca was assigned to the Reverend Emmanuel Fulcheri, of the Archdiocese of

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Mexico, and he was appointed canon of the metropolitan church and rector of the diocesan seminary. May 15. — The Cathedral Church of Antigonish was assigned to the Reverend James Morrison, of the Diocese of Carolinapolis, and he was appointed pastor of the church commonly called Vernon River. July 8. — The titular church of the Archiepiscopal See of Palmyra was assigned to the Reverend Mr. Anthony Sardi, formerly Bishop of Anagni. July 31. — The Metropolitan Church of Vancouver was assigned to the Reverend Mr. Timothy Casey, formerly Bishop of St. John in America. August 1. — The Metropolitan Church of Portalegre in Brazil was assigned to the Reverend Mr. John Becker, formerly Bishop of Florianopolis. August 2. — The Cathedral Church of St. John in America was assigned to the Reverend Edward Le Blanc, pastor of St. Bernard in the Archdiocese of Halifax. August 8. — The titular church of the Episcopal See of Delcus was assigned to the Reverend Henry Haehling de Lanzenauer, dean of the cathedral chapter of Paderborn, whom the Most Reverend Joseph Schulte, Bishop of Paderborn, appointed as his Auxiliary.

[*Latin ed. p. 644*]

644 Acta Apostolicae Sedis. • Official Commentary. August 10, 1912. — To the metropolitan church of Hydruntinae, Joseph Ridolfi, until now titular archbishop of Apamea Cibotus. August 12. — To the cathedral church of Cenomanensi, Raymond de la Porte, of the diocese of Versailles, parish priest and dean of the church of the Blessed Virgin Mary in the city of Versailles. August 26. — To the titular episcopal church of Uranopolis, Dominic Carrerot, of the Order of Preachers, and superior of the local convent commonly called Conceição do Araguaya in Brazil. August 27. — To the cathedral churches of Pennensi and Atriensi, Charles Pensa, a priest and Oblate of Saint Charles in the archdiocese of Milan. August 28. — To the archiepiscopal church of Spoletanae, Peter Pacifici, of the Congregation of Somasca. — To the cathedral church of Balneoregiensi, Aemilius Poletti, of the diocese of Comensis, where he was the local parish priest of the place commonly called Menaggio. September 14. — To the titular episcopal church of Himeriensi, Reverend Monsignor Joachim Joseph Vieira, until now bishop of Fortalexiensem. September 16. — To the cathedral church of Fortalexiensi in Brazil, Monsignor Emmanuel da Silva Gomes, until now titular bishop of Mopsuestia.

CONCERNING AFFAIRS OF THE ORIENTAL RITE. APPOINTMENTS OF BISHOPS. By apostolic briefs, the following were appointed: September 14, 1912. — Archbishop of Babylonensis Syrorum, Reverend Monsignor Moses Dallai. — Bishop of Jazirensis Syrorum, Reverend Monsignor Michael Malche. — Titular Bishop of Danabensis and Auxiliary of the Syriac Patriarchate, Reverend Monsignor Dominicus-Abdalahad Tappuni. — Titular Bishop of Arethusius, Reverend Monsignor Moses Sarkis, a

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chorepiscopus of the Syriac Rite.

[*Latin ed. p. 645*]

§. Congregation for Extraordinary Ecclesiastical Affairs. 645 ALLARO. CONGREGATION FOR EXTRAORDINARY ECCLESIASTICAL AFFAIRS CONCERNING PENSIONS IN LUSITANIA GRANTED TO THE CLERGY FROM PUBLIC FUNDS. From an audience of the Most Holy Father, dated October 12, 1912. Since the question of pensions in Lusitania, granted to the clergy from public funds by means of an unjust law concerning Separation, has been presented to the Holy See, the Most Blessed Father, after carefully considering the particular opinion of the group of Cardinals from the Sacred Congregation for Extraordinary Ecclesiastical Affairs, and after being informed by the undersigned, the Pro-Secretary of the same Sacred Congregation, ordered that the following be declared: the aforementioned law, which has already been solemnly condemned in the Encyclical Letter "Iamdudum" of May 24 of the past year, must be rejected by all; furthermore, it is to be approved that the recent decree of the Republic of July 10 of this year, which harms the authority of the bishops, and which seeks to turn those clerics who receive these pensions away from obedience to their legitimate superiors and unjustly subject them to the jurisdiction of civil power, is to be condemned; the men of the sacred order, who, with remarkable constancy and great spirit, have renounced these pensions offered by the Government, are to be highly commended; and those who, perhaps driven by poverty, have, under this unjust law, accepted these pensions in order to sustain their lives, should, however, strive to remove the scandal, especially since this has caused much offense among the faithful of Lusitania, due to the particular circumstances of time, place, and persons, and they should obey the commands of the bishops in this matter. And thus, His Holiness ordered that this be made public and observed, without any opposition whatsoever. Given at Rome, from the Secretariat of the aforementioned Sacred Congregation, on the day, month, and year mentioned above. Eugenius Pacelli, Pro-Secretary.

[*Latin ed. p. 646*]

646 Acta Apostolicae Sedis. - Official Commentary. THE SACRED ROMAN ROTA OF LUGDUNUM. NULLITY OF MARRIAGE (ROGNJN-SAILLET). Under the blessed reign of Pope Pius X, in the ninth year of His Pontificate, on the 28th of June, 1912, the Most Reverend and Reverend Fathers, John Prior, Ponens, Aloysius Sincero, and Joseph Mori, Auditors at Tournon, in the case of "Lugdunum. Nullity of Marriage," at the request of the Defender of the Bond of the Lugdunum diocese, between Felix Rognin, represented by his legitimate procurator, Advocate Henry Benvignati, and Julian Saillet, who intervened and argued in the case as Defender of the Bond ex officio, rendered the following definitive judgment. Felix Rognin,

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while receiving military stipends at Lugdunum, was captivated by the love of the daughter of a Venusian merchant, Julian Saillet, a girl of sixteen years of age, and he requested her in marriage through her mother. Since the proposed marriage seemed to offer the best hope of future happiness for the daughter, the mother readily agreed, and persuaded Julian, who loved another young man, to consent to marriage with Felix. After the betrothal was initiated in August, the marriage was duly celebrated before the Church on October 2, 1900. Disagreements were not absent in the marital consortium, partly arising from the poverty of the spouses, and partly from their mutual faults. Finally, after seven years of marriage, the accustomed life between them was completely broken, and a civil divorce was decreed by a secular magistrate. The woman entered into a civil union with another man, and Felix Rognin, in order to regain his freedom, appealed to the ecclesiastical judge, seeking a declaration of the nullity of his marriage with Julian Saillet, alleging that it was contracted under duress and fear, since he believed that Julian had not entered into the marriage freely, but rather out of fear instilled by her mother. The Lugdunum court rendered a judgment in favor of the nullity of the marriage in the first instance, and appealing by the Defender of the Bond, in accordance with the Constitution Benedictina Dei Miseratione, the same case is presented to us today under the usual question: Does the nullity of the marriage exist in this case? In law. - The Doctors deduce, from the celebrated chapter "Cum loco," M, on betrothals in book 4 of the Decretals, as well as from chapters 15 and 28 of the same title, that a grave fear, unjustly caused and freeing from liberty, leads to...

[*Latin ed. p. 647*]

St. Bonaventure, 647: To extort marital consent, and thus to invalidate marriage, at least in ecclesiastical law, is possible. It suffices that the fear be relatively grave, or that it be such as to affect one who believes, not through a mere estimation, but seriously, that a grave evil threatens him, an evil which he can scarcely avoid. Marriage can also be rendered invalid by reverential fear, or by the "estimation of a future evil, which we fear in those who have power over us" (D'Annibale, vol. 1, n. 138, note 16), whenever it can be said that the reverential fear compels the one subject to it to enter into marriage under the authority of the father, master, etc. (D'Annibale, vol. 1, n. 138, note 16; Sánchez, De Matr., book 4, chapter 6, paragraphs 7, 11, 12, 13, 14; Reiffenstuel, III, title 31, number 115; Coscius, De Sep. Thori, book 3, chapter 4, paragraph 67). This doctrine is consistent with that which is commonly taught by the Authors, namely, that reverential fear does not invalidate the validity of consent, since it is of a light nature and does not oppose substantial goods of marriage. For he does not act unwillingly who acts in order to conform to the will of another (D'Annibale, op. cit.). Nor is a young girl to be considered to have undergone grave

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coercion who, trusting in the love, experience, and prudent judgment of her father, and also desiring and intending to promote her own happiness, prefers to remain with the husband chosen by him, even if he is somewhat unpleasing to her, rather than to choose another man for herself. Indeed, children are held to seek the advice of their parents, although they are not obligated to follow it. Sánchez states, book 4, chapter 23, paragraph 12, in fine: "Regarding the third day, it is very honorable to follow the 'consent' of the parents, and it is a precept to seek (their) advice." Parents, on the other hand, can urge their advice, even by employing a slight coercion, as the same author teaches, book 4, chapter 22, paragraph 5: "... for a father can indeed compel his son to a certain marriage by paternal reprimand. Thus holds Goffredus... where he says, that a father cannot absolutely compel, but with slight coercion, namely, by paternal reprimand. The same is taught, etc." Therefore, in order for reverential fear to be considered grave, the Authors generally require that it be qualified, or that it have something added to it, namely, blows, or threats, or insistent and importunate pleas. In a rarer case, reverential fear can be grave without such an addition, when the long-standing indignation of the parents is apprehended by the one experiencing the fear as a grave evil, which he cannot otherwise avoid except by consenting to the marriage imposed by them. In order to prove this in an external forum, there must be a complex of circumstances such that it cannot be explained except by absolute coercion (V. Gasparri, vol. 2, number 942, edition 1904; Wernz, number 264, edition 1911; D'Annibale, op. cit.; Sánchez, book 4, chapter 6, paragraphs 14, 15).

[*Latin ed. p. 648*]

648 Acta Apostolicae Sedis. - Commentarium Officiale. When considering such circumstances, in order to determine whether the party in question believed that a grave evil, difficult to avoid, was threatening her, account must be taken of her sex, character, education; also of the character and morals that inspired fear, and of the relationship between these two, as is noted in the instruction of the Holy Office of June 20, 1883, nos. 35, 36. In the present case, several witnesses testify to the domineering character of the mother, and to the submissive and timid character of the daughter; among these witnesses are the bride herself, Octavia Glènat, and her sisters, Eudoxia, who had seen their mother, Julia, only once or twice, and Andreas Delhomme, who stated: "I have seen Madame Saillet frequently for about a year, at least two or three times a month. She seemed extremely authoritarian; everything yielded to her. She had a choleric, violent temperament. Her husband, as well as her two daughters, obeyed her commands without question." Only one immediate witness, besides the actress, provides information about the methods of coercion used by the mother: the Glènat sisters, who are witnesses based on hearsay, testify from knowledge they possessed at a time when they were not suspected. Other witnesses, namely

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Remigius Vaillant, Xaverius Constantin, and Aloisia Dion, received information from the bride only after the marriage and the subsequent disputes, and therefore at a time when they were suspected. The confession of the spouse, made in favor of the validity of the marriage, is of great importance, if it can be established that he wished to be freed from that bond; the weight of his testimony is further increased if, as a person subject to fear regarding the alleged impediment, he testifies to the force and fear he experienced, since the very nature of such an impediment consists in the apprehension of fear experienced by the party, and the subsequent voluntary act. No one can know better than the one who elicited these acts, or who claims to have elicited them, the circumstances surrounding them and their effects. Furthermore, the probative value of such a confession by the spouse increases if, in addition to him, no other, or only one, witness testifies from their own knowledge about the fear experienced, and if all the others merely recount what they heard from the one who experienced the fear. All these elements of legal proof are present in the sworn testimony of the bride, Julia Saillet, in this case. Besides her, the only immediate witness to the fear instilled by the mother is Andreas Delhomme; the other witnesses, as mentioned above, received information from Julia, either before or after the marriage, regarding the fear she experienced. Julia herself wishes to be freed from the conjugal bond; indeed, she asserts, quite roundly, her own opinion.

[*Latin ed. p. 649*]

Saint Bonaventure, in Canon 649, expressing an opinion on actions, stated that she had undergone coercion: "I acted 'under the influence of fear.' My consent to the marriage, both to the church and to the civil authority, was not given spontaneously." However, the entirety of her testimony clearly demonstrates that, if any fear existed, it was not grave nor unjust, since the insistence on the part of the mother did not exceed the limits of mild coercion, which is permitted by law to parents. It must be noted, first of all, that the generic affirmation of the bride and of several witnesses in the case of the existence of coercion on the part of the mother, without adducing specific facts or circumstances of the fear in question, does not prove fear, as Goscius teaches, supported by numerous decisions of the Sacred Roman Rota. Thus, *De separ. thori*, book 1, chapter 8, paragraph 61 and following: "Fear, however, is not sufficient for the annulment of marriage by witnesses who do not state the circumstances of the threats; Rota, decree 334, paragraph 9, section 12, and decree 172, number 7, section 15, and decree 490, paragraph 2 and following, paragraph 18, volume 2; for they must indeed testify about the fear, and about the fear concerning which the case is being considered, otherwise they are irrelevant. Rota, decree 154, number 3, section 14, record. Since they are irrelevant where they do not testify about the persuasions and threats that were inflicted by him who is accustomed to carry them out;

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Rota, decree 154, paragraph 4, section 14, record." Julia explicitly denied that there were any threats or acts of violence: "She did not use threats or acts of violence." The mother insisted on the marriage taking place, but primarily, indeed, only through arguments in which the benefits to be derived from it were presented: "She acted on me especially through reasoning. She would take me aside and show me the advantages that there are for a woman to be married to a military man." The groom himself was truly unaware of any direct coercion exerted upon the bride: "I sensed that the mother was exerting a strong influence on her daughter and pushing her towards me; but I only learned after the marriage the extent of the pressure she had exerted." Furthermore, Julia offered no resistance to the mother's expressed will, nor can it be said that she renounced the marriage because she believed that any opposition would be in vain. She said: "But if I had clearly said 'that I did not want it,' I do not believe that she would have forced me by violence to marry Mr. Rognin." If she believed that, through the mother's anger, an evil might befall her which she wished to avoid, she had a remedy at hand, as Julia herself knew, by appealing to her father, to whom Felix Rognin was a disliked person: "My father did not like Mr. Rognin, who was not sympathetic to him." However, Julia did not appeal to her father, because she saw no evil to be feared, as is sufficiently indicated in her testimony:

[*Latin ed. p. 650*]

650 Acta Apostolicae Sedis. - Official Commentary. "If I had possessed then the experience that I have acquired, I would not have hesitated to say no to my mother, and to ask my father to oppose this marriage." Her aversion to the man was not of such a nature as to suggest a forced consent in the marriage: "For me, I did not hate him, but I did not have any true affection for him." If she showed herself so cold in the presence of the fiancé, this, at least sometimes, must be attributed to Julia's fear of giving her father cause for offense; for she recounts that she restrained her expressions of joy upon the fiancé's return, lest she distress her father: "My fiancé was absent for a few weeks for a period of maneuvers during the engagement. When he returned, I was reserved with him. I would have feared, by showing eagerness, to cause pain to my father." Not to appease her mother's indignation, but because hope smiled upon her of establishing her own home, Julia proceeded to the marriage, as she herself declares: "I married in order to make a position for myself." And in the celebration of the marriage, she did not consider any coercion whatsoever: "I allowed myself to be married as a child obeys, without eagerness, without reflection, and as automatically... I said 'yes' mechanically; I was no longer thinking of my mother, but I pronounced the word that was necessary." Her sadness and tears on the very day of the marriage stemmed from grief, at least in part, because of the imminent separation from her family: "I cried the evening when my mother

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took me aside, both because of the separation from the family, and because I had no attraction for my husband." And the witness herself testifies: "Miss Saillet cried throughout the day, especially at the church... I thought it was the emotion that affects many young women on that day." However, she did not have a completely downcast spirit, since she was able to delight the guests at the wedding gathering with her singing. The witness Octavia Glènat says: "Elie had to be much urged to sing. She sang well, however." Regarding the time after the marriage, she testifies: "I did not show much eagerness to my husband, but I nevertheless fulfilled the duties of marriage with simplicity." The cohabitation between the spouses lasted seven years, which came to an end for reasons that were not based on the alleged fear. For Julia said: "The cause of our disagreements was always the same, the difficulty of managing the household. I had only 90 francs per month to cover all expenses; it was an impossible situation. My husband could not understand this impossibility."

[*Latin ed. p. 651*]

651 Regarding the account of the confession of Julia, it must be said that the threats of which the witness Andrew Delhomme speaks were not seriously made by the mother. He himself states: "I heard Mademoiselle Julie say: 'If you do not take Monsieur Rognin, I will disinherit you, and I will have you locked up in a place where young girls who do not want to obey are locked up.' She repeated these threats several times in my presence, in private." There is no witness here to private conversations between the mother and daughter, in which the daughter was already persuaded by the mother's reasons to choose the better option by marrying Felix Rognin; therefore, the words of the mother, which materially contained threats, seemed to have a different meaning to Andrew, than to Julia, who did not believe that any harm would come to her from them. The witness stated: "I do not think that Madame Saillet would have gone so far as to have her daughter locked up if she refused, but she could have deprived her of things that are very important to young girls." Indeed, the denial of some luxury in clothing, especially given the lower social standing of the fiancée's family, cannot be considered a very serious evil. And it must be said that Julia exaggerated when she spoke to the Glènat sisters about the threats of disinheritance, if these indeed accurately reported what they had heard, since, under oath, they completely denied that these words had been uttered. We say "if they accurately reported," because these two witnesses do not agree in their testimony about what they heard together from the bride. Octavia said: "Miss Saillet told me, in the presence of my sister, that her mother would disinherit her if she persisted in wanting to marry the man she loved." Eudoxia, however, says: "Miss Saillet confessed to my sister and me one day that she (the mother) threatened to disinherit her if she refused him (Monsieur Rognin)." The acceptance of Monsieur Rognin,

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and the rejection of another young man, Monsieur Drevet, are two very different things; and she had a good reason to avoid this young man, as Andrew Delhomme states: "Perhaps she knew of some defect in the Drevet family. Indeed, this young man lost his mind two or three years later, and he died in an asylum for the insane." The daughter needed the mother's advice in such an important matter; as she herself said: "I was hardly capable, given my age and inexperience, of deciding for myself." Furthermore, it has not been proven from the records that the mother exceeded the limits that are legally permitted to a parent who is solely concerned with the happiness of her daughter. Having considered all of this, both legally and factually, and invoking the name of Christ, We, the undersigned Auditors of Tournon, sitting as a tribunal and with only God before our eyes, decide, declare, and pronounce:

[*Latin ed. p. 652*]

Acts of the Apostolic See. - Official Commentary. 652 We declare that We hold the opinion that the marriage is not null in the case presented, and We respond to the doubtful proposition negatively, that is to say: It does not follow that the marriage is null in this case. We decree that the judicial expenses shall be borne by the plaintiff. Thus We pronounce, commanding the Ordinaries of the places and the officials of the tribunals to whom this pertains, that they should order the execution of this Our definitive sentence, and that they should proceed against those who resist, according to the sacred Canons, and especially chapter 3, session X V, of the Council of Trent, employing the executive and coercive means which will be more effective and suitable for the circumstances. Rome, in the seat of the Tribunal of the Sacred Roman Rota, on the 28th of June, 1912. Ioannes Prior, Prefect. Aloisius Sincero. Ioseph Mori. Sac. T. Tani, Notary. SECRETARY OF THE STATE LETTER. I. TO THE REVEREND FATHER LENERT, PAROCHIAL PRIEST AT SAINT NICOLAI DE CHARDONNET, PARIS, WHO PRESENTED THE TWO VOLUMES OF LECTURES TO THE MOST BLESSED FATHER AS A FILIAL ACT OF VENERATION. Monsieur le Curé, The Supreme Pontiff received with particular benevolence the tribute that you have made to him with the two volumes, in which you have summarized your Sunday lectures on contemporary errors. His Holiness congratulates you for having popularized the teachings of the Holy See on these matters which are so current and so important, by commenting in a clear and concise style on the Syllabus of His Holiness Pius IX and the Encyclical *Pascendi Dominici gregis*. The Holy Father grants you, on this occasion, with all His heart, the Apostolic Blessing for you and for your parishioners. Accept, Monsieur le Curé, the assurance of my devoted sentiments in Our Lord. Rome, September 14, 1912. R. CARD. MERRY DEL

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[*Latin ed. p. 653*]

Secretariat of State. 653 II. TO THE MOST REVEREND FATHER MEUNIER, BISHOP OF EBROIC, CONCERNING THE DIOCESAN CONGRESS TO BE HELD IN THE CITY OF PONT-AUDEMER.

Your Excellency, The Holy Father, Pope Pius X, has learned with great satisfaction your intention to hold a diocesan congress in Pont-Audemer, from October 6th to 9th of the coming year. His Holiness expresses his wishes that the clergy and the faithful of your diocese, striving with zeal and fervor, may come in large numbers to receive your counsel and guidance, so that they may apply themselves even more generously to the development of your Catholic works, which are already flourishing.

The Holy Father congratulates you on working in this way to ensure the organization of youth associations, and to direct and strengthen their apostolic action, in complete and filial obedience to the hierarchy. That which can serve to make parish life deeper and more active is, in every respect, worthy of examination and study.

The Holy Father is particularly very pleased with the expansion that has taken place in your diocese through the admirable work of voluntary catechists, in which the ministry of the priest finds such powerful assistance in instilling religious notions into the minds of children, a beacon and rule for all of life.

As a pledge of success for the upcoming congress, the Supreme Pontiff sends you, Your Excellency, the apostolic blessing, as well as to the clergy and the faithful who will participate in the sessions.

Please accept, Your Excellency, the assurance of my devoted sentiments in Our Lord.

Rome, September 20, 1912.

R. CARD. MERRY DEL VAL.

[*Latin ed. p. 654*]

Acts of the Apostolic See. - Official Commentary. 654 III. TO THE MOST REVEREND FATHER MEUNIER, BISHOP OF EBROICENSEM, REGARDING THE EUCHARISTIC CONGRESS TO BE HELD IN THE CITY OF LOUVIERS.

Your Excellency,

It has been most pleasing to the Holy Father to learn of the Eucharistic Congress that Your Excellency intends to convene in Louviers, from October 19th to 22nd of the coming year. No subject can be more elevated, nor more important, since it concerns the glorification and the promotion of devotion to the Holy Sacrament, frequent Communion, and the Commu-

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nion of little children. These are the great supernatural means which so effectively transform families, parishes, and entire dioceses, and to which the pastoral ministry must increasingly appeal.

Eager that all may strive with holy emulation in this endeavor, the Holy Father sends his apostolic blessing, as a pledge of all heavenly favors, to the Bishop, the clergy, and all the faithful, members of the Congress.

I implore you, Your Excellency, to accept the renewed assurance of my entire devotion in Our Lord.

Rome, September 20, 1912.

R. CARD. MERRY DEL VAL.

SECRETARY OF STATE.

BY ORDER.

With a letter from the Secretariat of State, the Holy Father has deigned to appoint:

October 11, 1912. — Mons. Ludovico Schüller, Prefect of the Economic Administration of the Vicariate of Rome.

[*Latin ed. p. 655*]

Diarium Romanae Curiae. 655. By Apostolic Briefs, the Holy Father has deigned to appoint: Apostolic Protonotary, as if among those participating: September 16, 1912. — Mons. Neamatallah Garame, Corepiscopus, Rector of the Pontifical Maronite College of Rome. Domestic Prelates of His Holiness: September 16, 1912. — The Reverend Basilio Nadab, General Vicar of the Patriarchal Diocese of Alexandria. September 17. — The Reverend Canon Emidio Lumini, General Vicar of the Diocese of Prato. — The Reverend Ezechia Galvâo da Fontonra, Archpriest Canon of the Metropolitan Church of St. Paul in Brazil. September 28. — The Reverend Giovanni J. Tierney, of the Diocese of Wilmington. HONORS. By Apostolic Briefs, the Holy Father has deigned to bestow the following honors: The Grand Cross of the Order of Pius: October 9, 1912. — To His Most Serene Highness, Prince Alfred of Montenuovo, first Grand Master of the Court of His Imperial and Royal Apostolic Majesty in Vienna. — To His Excellency, Count Eugenio Czernin von und zu Cmidenitz, Chamberlain of the aforementioned Majesty, His I. and R. A. The Grand Cross of the Order of St. Gregory the Great, civil class. October 9, 1912. — To His Excellency, Count Edoardo Choloniewski Myszka, first Grand Master of the court ceremonies in Vienna. — To His Most Serene Highness, Prince Luigi Schönburg-Hartenstein, actual President of the organizing committee of

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the Eucharistic Congress of Vienna. — To His Excellency, Massimiliano noble Hussarek de Heinlein, Minister of Cult and Public Instruction for Austria. The Grand Cross of the Order of St. Sylvester the Pope: October 9, 1912. — To Mr. Dr. Giuseppe Neumayer, Burgomaster of the city of Vienna. — To Mr. Carlo noble de Brzesowsky, General Director of Police in the aforementioned city.

[*Latin ed. p. 656*]

656 Acta Apostolicae Sedis. - Official Commentary. The Commendatorship of the Order with Plaque: October 9, 1912. — To the Most Reverend Doctor Giuseppe Porzer, First Vice-Mayor of Vienne. — To the Most Noble Baron Massimiliano Vittinghoff-Schell, Organizer of the Eucharistic Congress of Vienne. The Commendatorship with plaque of the Order of Saint Gregory the Great, civil class: October 3, 1912. — To the Most Reverend Doctor Giovanni Kriege, Ministerial Director at the Ministry of Foreign Affairs in Berlin. October 9. — To the Most Noble Prince Edward von und zu Liechtenstein. The Commendatorship of the Order of Saint Gregory the Great, civil class: September 19, 1912. — To the Most Reverend Gaetano Roi, of the diocese of Vicenza. October 3. — To the Reverend Professor, Architect Edward Collamarmi, of the archdiocese of Bologna. — To the Reverend Engineer Luigi Reggiani, of the same archdiocese. The Knighthood of the Order of Saint Gregory the Great, civil class: September 14, 1912. — To the Most Reverend Armando Coppin, of Boulogne-sur-Mer, in the diocese of Arras. September 16. — To the Most Reverend Ludovico Bernard-Flipo, of the archdiocese of Cambrai. — To the Most Reverend Giulio Joire-Wattinne, of the same archdiocese. — To the Most Reverend Stefano Bevilacqua, of the diocese of Acquapendente. September 18. — To the Most Reverend Giuseppe Frey, of New York. October 2. — To the Most Reverend Giacomo Dumi, of Jamaica. The Knighthood of the Order of Saint Sylvester the Pope: September 17, 1912. — To the Most Reverend Giovanni Battista Barbieri, of Ostiano in the diocese of Mantua. October 5. — To the Most Reverend Rodolfo Gyselinx de Saint-Omer, of the diocese of Namur.

[*Latin ed. p. 657*]

Year IV. - Volume IV. No. 15, November 1912. No. 20. ACTA APOLOGETICA: OFFICIAL COMMENTARY. ACTS OF POPE PIUS X. ENCYCLICAL LETTER. TO HIS EMINENCE, GEORGE KOPP, S.R.E., CARDINAL, BISHOP OF BRESLAU, AND TO OTHER ARCHBISHOPS AND BISHOPS OF GERMANY, CONCERNING CATHOLIC AND MIXED TRADE ASSOCIATIONS.

PIUS PP. X. TO THE MOST BELOVED SONS, GREETINGS AND THE APOSTOLIC BENEDICTION.

Moved by a singular charity, "towards the Catholics of Germany, who,

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bound to this Apostolic See by the highest fidelity, have always generously and bravely striven for the Church," We, venerable brothers, have directed all our study and care to resolving that controversy which exists among them, concerning trade associations; a controversy concerning which We have, in recent years, learned from you prudent and grave men of both sides. And We have undertaken this matter with all the more diligence, because We understand that it is Our sacred duty to strive that Our beloved sons may observe the Catholic doctrine sincerely and integrally, and that We may not allow, in any way, their faith to be imperiled. For it is clear that, if one does not take care, there is the danger that they may, little by little, and almost imprudently, acquiesce in a certain vague and undefined form of the Christian religion, which is commonly called "interconfessional," and with common ACTS.

[*Latin ed. p. 658*]

658 Acta Apostolicae Sedis. - Commentarium Officiale. This matter is widely disseminated with Christian commendation, although it contains nothing manifestly contrary to the preaching of Jesus Christ. Furthermore, since it is most desirable for us to foster and strengthen the concord of Catholics, we wish to remove all causes of discord, which, by diverting the forces of the good, can benefit only our adversaries; and we desire and hope that, while maintaining peace with citizens of the Catholic faith, they may also observe peace with those of other faiths, without which neither the order of human society nor the prosperity of the state can endure. – Although, as we have said, we were aware of the state of this matter, it seemed fitting, before we judged, to inquire the opinion of each of you, our venerable brothers: and you, with such diligence and concern, responded individually, in a manner befitting the gravity of the question. Therefore, in the first place, we declare that it is the duty of all Catholics, and indeed it is a necessary and inviolable part of both private and public life, to uphold firmly and without fear the principles of Christian truth, the teachings of the Catholic Church, especially those which Our Predecessor, most wisely, explained in the Encyclical Letters *Rerum novarum*; and we know that these were followed by the bishops of Borussia, who had convened in Fulda in the year 1900, and we see that you yourselves, in writing to us about what you think on this matter, are deeply concerned with them. Indeed, whatever a Christian does, even in worldly affairs, must not neglect the goods that are above nature, but rather, according to the precepts of Christian wisdom, must direct all things to the supreme good, as to the ultimate end: and all his actions, insofar as they are good or bad in the genus of morals, that is, insofar as they agree or disagree with natural and divine law, are subject to the judgment and authority of the Church. – Those who boast of the Christian name must not, if they are to fulfill their duty, foster animosities and strife among the orders of citizens, but rather peace and

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mutual charity. – The social cause and the controversies related to this cause.

[*Latin ed. p. 659*]

The Acts of Pope Pius X, 659, after considering the matter and giving it due attention, state that matters concerning wages, the voluntary cessation of work, are not merely of an economic nature, and therefore are of a kind that, after the authority of the Church has been considered, can be addressed; "since it is most contrary to it [the social question] to be primarily moral and religious, and therefore must be judged primarily by the law of morals and the judgment of religion."

Now, as for associations of workers, although their purpose is to promote the well-being of their members, those that are most to be approved and are best suited to the true and solid benefit of the members are those that are especially founded on the principles of the Catholic religion and follow the Church's leadership; which We ourselves have declared on several occasions, as the opportunity has been given to us from various nations. Therefore, it follows that associations of this kind, such as, for example, Catholic associations, should certainly be established in regions where Catholics live, and indeed in all places where it seems possible to assist the various needs of the members through them, and should be supported in every way.

Furthermore, if we are speaking of those associations that directly or indirectly concern the cause of religion and morals, it could not be approved in any way, even in those regions that we have mentioned, to foster and promote mixed associations, that is, those that are composed of both Catholics and non-Catholics. For, among other things, associations of this kind are in great danger, or certainly can be, of endangering our integrity of faith and obedience to the laws and precepts of the Catholic Church; dangers of which, as We have read in the responses of many of you, venerable brothers, We have seen a clear indication.

Therefore, We gladly commend and praise the purely Catholic associations of workers in Germany, wishing that all that they strive for in the benefit of the working class may succeed well, and We always wish them increasing success. But, when We say this, We do not deny that it is permissible for Catholics...

[*Latin ed. p. 660*]

660 Acta Apostolicae Sedis. - Commentarium Officiale. that they may seek a better condition for their trade, more equitable wages, and fairer working conditions, or for other causes of honest utility; to work in common with non-Catholics, with due caution, for the common good. But for this purpose, certain Catholic and non-Catholic societies may be joined together by a certain expedient, which is called a "Cartel." Now, venerable

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brothers, many have requested of Us that Christian trade unions, as they are called, which are established in various dioceses, may be tolerated by Us; and We deem it permissible, because they include a far greater number of workers than purely Catholic associations, and great harm would result if they were not tolerated. To this request, considering the particular circumstances of the Catholic condition in Germany, We believe it should be granted, and We declare that it is permissible for Catholics to participate in such mixed societies, as long as the tolerance of this kind remains opportune and just, provided that the precautions are taken to avoid the dangers which We have mentioned as inherent in such associations. The principal points of these precautions are as follows: First of all, it must be ensured that those Catholic workers who are members of these trade unions are also enrolled in Catholic workers' associations, which are called "Arbeitervereine." For we are certain that, if they are required to contribute to some cause, especially to a fund, those who are zealous in the safety of their faith will not refuse. Indeed, it has been happily observed that these Catholic associations, under the guidance and vigilance of the clergy, are very effective in maintaining the sincerity of faith, the integrity of morals, and the multiplication of religious sentiments among their members, through the exercise of piety. Therefore, those who manage these associations, without doubt, with a knowledge of the times, will wish, especially with regard to the duties of justice and charity, to impart to the workers those precepts and instructions which are necessary or useful for them to know, so that they may act properly and according to the principles of Catholic doctrine in the trade unions.

[*Latin ed. p. 661*]

Acta Pii PP. X. 661. Praeterea, syndicatus – si tales existunt, et si catholicis licet ea appellari – necesse est ut ab omni eo contineantur, quod ratione vel quacunque doctrina vel mandato Ecclesiae legitimae potestatis sacrae non conveniat: itemque, ne quid minus probandum ex hoc capite aut scripta aut dicta aut facta eorum praebeant. Quare, Sacrorum Antistites, officii ducantes sanctissimi, observare sedulo, quomodo hae societates se gerant, et vigilare, ne catholici homines ex earum communione aliquid detrimenti capiant. Ipsi autem catholici syndicatibus adscripti numquam, si velint, ut syndicatus, etiam quae tales, incurant res sociorum reapse profitentur aut faciunt, quae quocumque modo contraria sint praeceptis, supremo Ecclesiae magistério traditis, iisque praesertim, quae supra revocavimus. Et hanc ob causam, quoties de rebus attingentibus mores, id est de iustitia aut caritate, quaestiones exsistent, attentissime vigilabunt episcopi, ne fideles catholicam morum disciplinam negligant, neve ab ea transversum unguem discedant. Equidem certum habemus, venerabiles fratres, fore ut quae hic nobis praescripta sunt, ea vos religiose inviolateque servanda curetis, Nos autem diligenter et assidu e diligentiam momenti certiores faciatis. Quo-

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niam vero hanc nobis assumpsimus causam, eiusque iudicium, consultis episcopis, Nostrum debet esse, praecipimus bonis quotcumque numerantur in catholicis, ut eadem de re iam nunc omni inter se disputatione abstineant; qui quidem, iuvat confidere futurum, ut, fraterna servientes caritati, pleneque obsequentes auctoritati Nostrae suorumque Pastorum, integreet ex animo efficiant quae iubemus. Quod si qua inter eos rerum difficultas oriatur, quomodo dissolvenda ea sit, habeant in promptu: adeant episcopos suos consultum, hi rem ad apostolicam hanc Sedem deferent, atque diiudicabitur. Quod reliquum est – et ex iis quae diximus, facile colligitur, quomodo ex una parte mini fas esset accusare de suspecta Fide, et eo nomine impugnarenomine qui, constantes in defendendis dogmatibus et iuribus Ecclesiae, tamen recto consilio...

[*Latin ed. p. 662*]

662 Acta Apostolicae Sedis. - Official Commentary. Regarding mixed syndicates, it is to be understood that they are to be, and are, such that, where the reasons of the places permit, the sacred authority has considered it permissible to allow such syndicates, provided certain precautions are observed: on the other hand, it would be highly reprehensible to maliciously attack purely Catholic associations – which kind of action is contrary to all efforts to help and promote them – and to seek to impose, or rather, to demand, an interconfessional character, which they claim is the kind, and also through the appearance of demanding the same form for all, as many as there are in each diocese, Catholic societies. Meanwhile, while we rejoice that Cattolica, as it has made great progress in both religious and civil matters, we implore the singular protection of Almighty God and of the Virgin Mother of God, who herself is the Queen of Peace, for this beloved nation: and as a pledge of divine graces and especially of Our own benevolence, We impart to you, beloved sons and venerable brothers, and to your clergy and most beloved people, Our apostolic blessing. Given at Rome, at St. Peter's, on the twenty-fourth day of the month of September, in the tenth year of Our pontificate. LETTERS. I. TO THE REVEREND P. PACIFICUS OF SEJANO, GENERAL MINISTER OF THE ORDER OF THE MINOR FRATIARS: CONCERNING THE URBANUS S. LAURENTII COLLEGE OF BRINDISI. Beloved son, pious man, greetings and apostolic blessing. — It has pleased Us greatly to learn that the Urbanus S. Laurentii College of Brindisi is to be dedicated: We commend your foresight and care, beloved son, who have opened this house for the instruction of young men of the best hope from all religious families under your direction, for the purpose of a more refined discipline. To desire that the sacred youth flourish in the doctrine of Lodi is certainly a very salutary plan, and quite appropriate for these times. For today, more than ever, when, due to the widely disseminated education, virtue itself, if it is not sufficiently polished by studies, is scorned, if the young clergy, well instructed in doctrine, are to

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dedicate themselves to the divine ministry, they will not only more suitably preserve the dignity of the priesthood,

[*Latin ed. p. 663*]

Acta, Pontificii Pii X, 663, but, what is more important, he will be much more useful in the very sacred duties. And this must be said not only of the clerics of the religious Orders, but also of those who live in the midst of the secular world. Therefore, we congratulate you, beloved son, on this undertaking, which can greatly benefit both the family of the Capuchin Brothers and the Christian people. It will undoubtedly be so, if this institution is governed according to the law, so that the very nature and reason of the Franciscan discipline may permeate all of its operations. Thus, the students may receive a rich supply of doctrine and of sound and incorrupt teaching; but at the same time, because knowledge, devoid of the weight of solid virtues, inflates, they must deeply imbibe the spirit of humility and obedience, poverty and penance: for these are the very features of the soul of the blessed Francis, for whom there was no philosophy more sublime than to know Jesus and this Jesus crucified. Moreover, because of this very reason, the College was founded, to produce priests suitable for the sacred missions: a purpose that requires that men be abundantly endowed with the virtues we have mentioned. Furthermore, we see that the best precautions have been taken regarding all these matters in the College Statutes. Therefore, we desire and wish that these prescriptions be observed properly: and we impart to you, beloved son, and to the teachers, students, and members of the Laurentian Institute, our divine blessings and our apostolic benediction. Given in Rome, at St. Peter's, on the twenty-fifth day of the month of October, in the ninth year of Our Pontificate. MCMXI, PIUS PP. X.

TO THE MOST REVEREND DOCTOR M. WINDTHORST, FIRST PRESIDENT OF THE CATHOLIC CONVENTION OF GERMANY, WHO HAS APPROVED THE MAIN POINTS OF THE MATTERS TO BE DISCUSSED AT THE CONVENTION.

Beloved son, greetings and apostolic benediction.

As we hold the annual conventions of the Catholics of Germany, it is most pleasing to Us that you have announced that you will convene in Aix-la-Chapelle, a city venerable for its antiquity and illustrious with monuments of great deeds, which you could not have chosen a more suitable place for this year. For there, it still seems to resound in the sermons, the great defender and champion of the Catholic Faith, who, through his religion, integrity, prudence, and active virtue, shone as an example to everyone, Ludovicus Windthörst, whose immortal deeds are...

[*Latin ed. p. 664*]

Acts of the Apostolic See. - Official Commentary. Germany, a land de-

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voutly and gratefully remembered, will soon, as is fitting, celebrate its one hundredth anniversary. Nor could your Archbishop, our beloved son, Cardinal Anthony Fischer, be absent in this matter, to offer encouragement and support. We have long and thoroughly known him as a most diligent pastor, devoted to his office, and zealous for Our interests and the Apostolic See. Indeed, the matters concerning which you write of the forthcoming meeting are of the greatest importance and significance. For such undertakings as missionary expeditions to foreign lands are those which should be commended to many: for whoever understands how important it is to be illuminated by the light of true faith, and feels the spark of Christian charity, will surely help those poor brothers and sisters who lie in darkness and in the shadow of death, according to their ability. Moreover, it should be proven to all Catholics that you have the intention of reaffirming and demonstrating that you will not allow the doctrine of religion, upon which all just discipline and institutions are founded, to be absent from public schools, especially in these times when it is so fiercely opposed by destructive forces. For We are not unaware of the tenacity of our adversaries in this matter. Furthermore, it pleases Us greatly that you strive to resist more vigorously those who, placing the highest good in the enjoyment of the pleasures of this life, do not believe that they can resolve social problems in any other way than by subverting the moral, political, and economic order of human society, and who attract a large and unwary crowd, instilling in their minds contempt for religion and disregard for God, whom they themselves claim does not exist, and gradually leading them to harbor a mortal hatred and to despise any legitimate authority. May the Germans, whom We know have long labored with commendable zeal to prevent artisans, who are particularly vulnerable, from falling into these traps. Therefore, you, proceeding with eagerness in this endeavor, continue to assist the working people in their religious and social progress, and to advise them according to legitimate principles, with justice and charity. In this, let this be your constant rule: to obey faithfully the mandates and instructions of your bishops, and to apply yourselves to those precepts which Our predecessors and We ourselves have issued in this matter. Regarding your piety and faith towards the Apostolic See, We have never doubted; but that you, beloved son, in your letter, profess the highest obedience and zeal, and that you are primarily concerned that the Catholics of Germany may ensure that the Roman Pontiff, who is now in a precarious and vulnerable condition, may enjoy a better state, and that his freedom from all foreign power may be secured, this greatly consoles Us. In the meantime, nothing.

[*Latin ed. p. 665*]

Acta Pii PP. X. 665 It is our desire that, from all orders of citizens, the most numerous from our sodalities spread throughout the entire Empire should gather for this assembly; let charity preside in your deliberations, as

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fraternal love among you and the necessity of the Faith and the Fatherland demand; and, above all, let such matters be discussed as may be of great benefit to this people in these times. May the apostolic blessing, a witness to the foresight of divine matters and the benevolence of Our Fatherly heart, be imparted to you, beloved son, to those who are with you in preparing for this assembly, and to all who attend, most affectionately. Given in Rome, at St. Peter's, on the twelfth day of July, in the ninth year of Our Pontificate. PIUS PP. X.

To the Most Reverend and Reverend Father, John, Bishop of Augsburg, concerning the Synod he held. Venerable brother, greetings and the apostolic blessing. We were most delighted by the very devoted letters which you, together with the clergy assembled with you in the diocesan Synod, recently sent to Us, even before you dismissed the assembly. For in them you announce matters by which Our spirit, amidst these bitter circumstances, may deservedly be refreshed: first, that you have tempered the ancient synodal constitutions so that they may be adapted to the conditions and discipline of these times; in this, you have rightly taken care not to neglect anything of what we have seen to be opportune to decree for the benefit of the Christian people up to this day; and second, that you show that you attribute to the teaching and authority of the Apostolic See only as much as is fitting for most devoted sons, under the leadership of Anselm, that most holy and learned man whom your city has brought forth for the Church. We congratulate you, venerable brother, and the priests who attended the Synod, from the bottom of Our heart; and we certainly hope that, through the matters which you have prudently deliberated, the praises of Christian virtues will not be lacking either in your clergy or in the rest of the people. In order that the outcome may correspond to your hopes, may the apostolic blessing, a witness to Our Fatherly benevolence, be imparted to you, venerable brother, and to your clergy and people, most earnestly. Given in Rome, at St. Peter's, on the thirtieth day of August, in the tenth year of Our Pontificate. PIUS PP. X.

[*Latin ed. p. 666*]

666 Acta Apostolicae Sedis. - Official Commentary. IV. TO THE MOST REVEREND FATHERS, DD. CAROLUM MORESCHINI, CASTELLI, ARCHBISHOP OF FIRMANUM, CAMILLUM CAMERINENSEM, AND OTHER BISHOPS OF THE REGION OF PICENA INFERIOR: CONCERNING THEIR ANNUAL MEETING RECENTLY HELD. Venerable brothers, greetings and the apostolic blessing. — We have most gladly received your letters, which you sent to Us on the seventeenth of this month, in which you reported that you had gathered in the city of Lauretana, in order that, through common deliberation, you might determine what would be most beneficial for your churches, and that you wished to begin this undertaking by demonstrating the utmost respect for Us. Indeed, we

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have appreciated this act of humanity and piety, all the more because you assured us that you would faithfully observe the prescriptions which We recently ordered to be promulgated through the Sacred Congregation Consistorial concerning the seminaries of Italy. For, as you know, We hold the students of the seminaries dear, and We seem to have done and attempted everything up to this day, so that nothing may be lacking for those whom it may sometimes be necessary to send forth to lead a holy life among their neighbors, in order that they may have proper instruction both of mind and of spirit. Therefore, it is your duty to cultivate them with such piety and with sound doctrines, so that, having received the imposition of hands, they may excel in their respective duties, and that they may shine forth to all with integrity of character, religion, and wisdom. In this matter, your efforts will be more fruitful if you do not cease to seek the help of the Most Blessed Virgin, whose most holy home is gloriously situated in your region: for since she was a good mother to the holy Apostles, you may be certain that her help will not be lacking to you in the proper instruction of the sacred youth. Meanwhile, as a pledge of heavenly blessings and as a witness of Our paternal benevolence, We impart to you, venerable brothers, and to your clergy and people, the apostolic blessing with all our heart. Given at Rome, at St. Peter's, on the twenty-fourth day of the month of September, in the tenth year of Our pontificate. PIUS PP. X.

[*Latin ed. p. 667*]

667 Acts of Pope Pius X. To the Most Reverend George Kopp, in Breslau: The Holy Father congratulates the Reverend Prelate on the upcoming celebration of his fiftieth anniversary of priesthood and his twentieth anniversary as Bishop.

Beloved Son, greetings and the Apostolic Blessing. — We have received with great joy the news that you will soon celebrate your fiftieth anniversary of priesthood and your twentieth anniversary as Bishop of Breslau, a celebration filled with the joy of your clergy and people. We heartily congratulate you on both occasions, beloved Son, not only because it is fitting for a father to share in the joys of his children, but especially because you have spent so much of your life dedicated to the salvation of souls and to the advancement of the Catholic cause, thereby bringing great praise and benefit to the Church. Therefore, we earnestly pray to Almighty God that He may preserve you in good health for as long as possible; that you may continue to guide your flock with diligence and prudence, and that you may continue to merit the best for them and for the entire Church. Finally, filled with good hope, we trust that this special sign of Our benevolence, which we wish to bestow upon you in the upcoming solemnities, will be pleasing and joyful to you, and we impart to you, beloved Son, and to your clergy and people, Our Apostolic Blessing in the Lord.

Given at Rome, near St. Peter's, on the eleventh day of the month of

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October, in the tenth year of Our Pontificate.

PIUS PP. X.

[*Latin ed. p. 668*]

Acts of the Apostolic See. - Official Commentary 668. SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH. APPOINTMENT OF AN APOSTOLIC ADMINISTRATOR. By letters of the Sacred Congregation for the Propagation of the Faith, the following was appointed: October 12, 1912. – Apostolic Administrator of Transvaal, Reverend Father Charles Cox, of the Congregation of the Oblates of the Most Blessed Virgin Mary Immaculate. I. OF ROME AND OTHER PLACES. CONCERNING THE DOMINICAN OFFICE AND OTHER OFFICES FOR THE DECEASED. By decree of several dioceses, dated July 24th of the current year, it is prescribed that a rubric be inserted in the Office for the Dead, both in the Breviary and in the Roman Ritual, concerning the manner of concluding Matins and beginning Lauds, whenever Lauds are separated from Matins. Consequently, for a particular case, another question was proposed to the Sacred Congregation of Rites for a suitable solution: "Whether the Our Father and the Hail Mary ought to be recited before the Vespers of the Dead, and before Matins, the Our Father, the Hail Mary, and the Creed." And the Sacred Congregation of Rites, after hearing the opinion of the Liturgical Commission, and after careful deliberation, decided that the answer should be: "Affirmatively, whenever the Vespers or Matins of the Dead are recited separately from the Divine Office." And thus it was decreed and ordered to be observed, on October 25, 1912. Father S. Cardinal Martinelli, Prefect. L. & S. Father Peter La Fontaine, Bishop, Secretary.

[*Latin ed. p. 669*]

Sacred Congregation of Rites. 669 II. WARNING. Sigismund Ruschitzka, a priest residing in the city of Bavaria, named Ursberg, has repeatedly, through his own initiative, sent letters to Eminent Cardinals of the Holy Roman Church, to the Ordinarys of the places, and to the Superiors of religious Orders, stating that "certain Missals have been approved only for the City, while others are for other 'dioceses'; and that it is not permissible for those in the Dioceses to use Missals approved 'for the City'; and that, outside the City, Missals printed by the 'Pontifical and Holy Roman Church' printer, Frederick Pustet," – who, contrary to this, from the years 1884 and 1900, printed a standard edition under a privilege to which all other editions were to conform, because Ruschitzka claims that they were approved only for the City. Furthermore, completely ignorant of what the Sacred Congregation has determined over time, he attempts to suggest entirely inappropriate things, especially concerning the names of Emperors,

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Kings, Presidents, etc., to be inserted in the Canon of the Mass, in the Litany of the Saints, and in the Holy Liturgy of the Feria of the Sixth Day, on Friday, and on Holy Saturday. Having not improved after being warned by his Superiors, the Holy Roman Church informs all those to whom it pertains that the distinction made by the priest Ruschitzka between Missals for the City and Missals for places outside the City is arbitrary and without foundation; and that the other things he insists upon have no validity and are to be disregarded; and it commands the Superiors to restrain him in his office, imposing silence upon him; and if he refuses to comply, the matter should be referred to this Sacred Congregation. November 14, 1912. Fr. S. CARD. MARTINELLI, Prefect of the Sacred Congregation. L.©S. f. Peter La Fontaine, "Episc. Charystien.," Secretary.

[*Latin ed. p. 670*]

670 Acta Apostolicae Sedis. - Official Commentary. THE SACRED ROMAN ROTA, COLONIA. NULLITY OF MARRIAGE (ZIBBE-LAUBE). Under the blessed reign of Pope Pius X, in the ninth year of his pontificate, on July 1, 1912, the Most Reverend and Reverend Fathers, Francis Heiner, President; John Prior, and Aloysius Sincero, Auditors of Tournon, in the case of "Colonia - Nullity of Marriage," at the request of the Defender of the Bond of Colonia, diocese, concerning Alvina Laube, represented by her legitimate proxy, the attorney Angel D'Alessandri, and Amadeus Ziebe, who intervened and argued in the case as Defender of the Bond, rendered the following final judgment: Alvina Laube, belonging to the Evangelical sect, sixteen years of age, entered into marriage on July 5, 1893, with Amadeus Ziebe, a man of the same religion. However, this union, from which a son was born, proved so unhappy and disastrous that in the year 1900, Alvina abandoned her husband, and in the year 1906, a civil divorce was granted in favor of the husband. Subsequently, Alvina entered into a common life with a certain Catholic man, named Gottfried Gerecht; she was civilly joined to him on May 7, 1908, and, at the urging of Gottfried's Catholic parents, she sought to have a marriage performed before the Church. However, the woman, having stated to a vice-curate of a church near Dusseldorf that she was named Anne Laube and was unmarried, attempted to fraudulently enter into a second marriage before the Church with Gottfried. Received back into the bosom of the Church on July 11, 1908, she petitioned the ecclesiastical judge to declare her first marriage with Amadeus Ziebe null, alleging coercion and fear unjustly imposed upon her by her parents, and especially by her mother. On December 2, 1909, the court of Colonia issued a judgment declaring the marriage null. However, the Defender of the Bond appealed, according to the Constitution "Dei Miseratione," and the case was again presented to us under the customary doubt: Does a nullity of marriage exist in this case? In Law. - It is known from the Decretal Law, particularly in chapters

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14, 15, and 28 of "De Sponsalibus," that, if a grave fear, unjustly imposed by a free cause, is used to extort marital consent, the marriage...

[*Latin ed. p. 671*]

St. Bomana Bota. 671. It is permissible, at least according to ecclesiastical law, to annul a marriage. The fear inspired by a threat, or "the estimation of a future evil which we fear from those who have power over us," is of itself mild, but it can become serious through the addition of certain elements, such as threats, beatings, persistent and insistent pleas from parents; or even, in the absence of such additions, if the paternal indignation is perceived by the one who is afraid as being of long duration, and therefore as a grave evil that is difficult to avoid. The gravity and injustice of the imposed fear must be proven in the external forum through specific facts, evidence, etc., which can generate moral certainty. In Fact. - If we are to believe the plaintiff, there is absolutely nothing lacking in this case to constitute a grave and unjust fear, and to extort a marital consent. There are persistent and insistent pleas from the mother, beatings, threats; a maximum aversion persisting on the part of the bride towards the man, resistance shown by her up to the very marriage; the flight taken on the wedding day, the great sadness of the woman, and finally, in married life, especially immediately after the wedding, her reluctance against the marital union with the man. It must be said that this testimony is of little or no value; firstly, because Alexander III, in chapter 5, title 13, states that the confession of spouses after marriage does not invalidate the marriage. Wernz writes, n. 745, 1, ed. 1911: "Indeed, the 'confession which the spouses make in the very judicial inquiry, or which they have made before that inquiry, but after the celebration of the marriage, to the extent that it is contrary to the value of the marriage, lacks all probative force.'" And Reiffenstuel, book 3, title 18, n. 30: "...the confession against the marriage and its validity is not valid, as c. Super eo, 5, De eo qui cognovit. 'This is because the cause of marriage is favorable, c. Directae, 39, De Appellat., and chapter last. De Sent. et re iudicat., and thus the confession made against its validity contradicts the favor of common law.'" Certainly, this principle is not to be applied in the same way to the proof of any impediment, for sometimes the confession of a spouse, even made after the marriage, constitutes a necessary element of proof against the validity of the same, as Sánchez asserts with respect to simulated consent (book 3, disp. 45, n. 15). But it is always true that the confession of a spouse against the validity of the marriage, made after its celebration, does not prove its nullity, unless it is sufficiently established from another source that such a confession contains the truth. Secondly. The veracity of the plaintiff is suspect, since she lied to the vice-curate of the church at Düsseldorf in a serious matter, and thus obtained [something]

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through fraud.

[*Latin ed. p. 672*]

672 Acta Apostolicae Sedis. — Official Commentary. It was not possible for a second marriage to be celebrated before the Church, with a valid impediment to the first marriage still in existence. The pastor of Balten states: "...the matter was reported to the Reverend Chaplain Schierche, to whom they had been directed for information; there, the witness, Anna Laube, declared herself to be unmarried and of the Evangelical faith. At first, she stated that she had genuinely believed that she was still unmarried; later, she said that she had done so in order to be able to marry in church, and thus to live in peace and tranquility with her family." Third. Everything that the witness says is denied by the man, Amadeo Ziebe, in his deposition, which we will discuss further below. Fourth. Nothing that the witness narrates is confirmed by other witnesses, or by any witness. Five witnesses were presented; her parents, Ida Blümel, Carolina Schulz, and Paolina Fiebig, all of whom were questioned in the absence of the person defending the bond. This defect, by which their testimonies are rendered invalid, was remedied by a rescript of the Supreme Pontiff. However, even pontifical authority cannot remedy natural defects in testimonies, by which all of them lose their probative force. For this was the manner in which the parents of the witness were questioned, and these circumstances were such that the truth could not emerge from the questioning. First, it must be noted that they were questioned together, not separately, and that they gave the same answer to the questions, and signed the same deposition, so that it is impossible to determine how much the mother, who is described by the witness as the main cause of coercion, and how much the father, influenced the daughter in order to induce her to marry. Secondly, their testimonies are entirely general; they affirm coercion, and mention beatings and insistent pleas with tears, but they do not adduce any specific facts, or circumstances. Indeed, it is well known in law, as taught by authors, and especially by the Sacred Roman Rota, that threats, beatings, etc., cannot be proven by a general affirmation without relating the circumstances. Thus, Coscius, De separ. thori, book 1, chapter 8, paragraph 61, states: "Fear, however, for the purpose of annulling a marriage, is not proven by witnesses who do not specify the circumstances of the threats." The Rota, decree 334, paragraph II, number 9, in the case of Albergati, states: "Valtrinus stated nothing other than that he had sometimes seen Prince Francis rebuking and scolding Duke Charles in his cabinet, in order that the latter would consent to such a marriage; however, he did not specify the qualities and circumstances of the threats, nor did he give any specific details; therefore, this general statement resolves into a simple exhortation and legitimate encouragement to the parents, as has been noted in previous decisions,

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from Menoch. cons. 69, number 41, and others."

[*Latin ed. p. 673*]

673 Sancta Romana Congregatio. Rota, die 17 decembris, 172, n. 6, 7, cor. Carpino, dixit: « Nec timor probatus «est, ut debuisset, ab allegante, 1, 2, C. de Transact. et cum illius «circumstantiis, quas in his terminis exegit Rota in dec. Mantic. 142, et «Buratt. dec. 628, et alibi passim». Recte notat vinculi Defensor ex decisione rotali cor. Cantuccio anno 1750: «Testes debent testificari per «actus exteriores quos viderint. Unde cum nullam assignent rationem, «nec etiam referant aliqua signa vel actus exteriores, dicuntur iudi«care, non autem testificari». Ita generice testati sunt parentes actricis, ut testes Biümel, Schulz et Fiebig, quae nihil de circumstantiis coactionis sciverunt, nihil ex propria scientia de praesento metu cognoscere potuerunt, ipsam depositionem parentum, invitante parocho, subscripserint, quia, ut ipsi aiunt: «Interrogati non hanno da dir nulla di differente da quanto hanno già «deposto i genitori». Eo magis nullius ponderis aestimandae sunt huiusmodi genericae affirmationes testium, quo facta de quibus loquitur actrix valde specifica sunt, suis circumstantiis vestita, sensu perceptibilia, quae pluribus sive directe sive indirecte nota esse poterant, nec proinde difficilis probationis erant. Praeterea, responsiones aliquando interrogatoriis non satisfaciunt. Ita ad 6: «Come si comportò vostra figlia nel matrimonio civile? E nel «matrimonio religioso? Era ella da tempo preparata che doveva andare «all'ufficio di stato civile? Ovvero, glielo avete dichiarato inaspet«tamente che doveva ad ogni modo andare all'ufficio di stato civile? • «Come andò la festa di nozze?» Quibus quinque quaestionibus respondent Annae genitores: «Ella venne intimorita e costretta a far ciò». Aliis quaestionibus nullimode respondent. Depositio genitorum actricis, igitur, ob supradictas rationes omni vi probandi destituitur. Carolina Schulz et Paulina Fiebig tantummodo post matrimonium, ideoque tempore suspecto, de coactione a parentibus exercita generico quodam modo audierunt. Ida Blüm et paulo ante matrimonium ab actrice didicit eam obligatum fuisse a parentibus ad matrimonium contrahendum, nihil tamen de circumstantiis coactionis adhibitae deponere potest. E contra, maritus actricis, Amadeus Ziebe, in toto negat ea quae ab actrice respectu matrimonii narrantur. Sine fide iuramenti testatus est, at ex actis non apparet eum recusasse iuramentum, quod omissum fuisse praesumitur ex incuria moderatoris actuum. De illo testatur iudex instructor: «Amadeo Ziebe fa l'impressione di uomo quieto, «semplice e sincero. La sua deposizione presenta, durante il suo corso, «il carattere della credibilità e della verità». In casu, igitur, rejiciuntur: ACTA, vol. I, n. V, n. 20. - 15 - 11 - 912. 49.

[*Latin ed. p. 674*]

674 Acta Apostolicae Sedis. - Official Commentary. The deposition,

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which, when it serves to prove the validity of a marriage, has probative force by the favor of the law, a force which is denied to the confession of the other spouse against the marriage. Wernz writes, no. 745, i, ed. 1911: "Finally, the confession which serves to prove the validity of the marriage has probative force in those cases in which the spouses have the right to accuse each other of invalidating the marriage. Otherwise, it only generates a presumption." Reiffenstuel, book % title 18, no. 31: "However, if a confession is made in favor of the marriage, then such a confession is valid, chapter % on clandestine marriages. Provided that no prejudice would thereby be caused to anyone, nor would any impediment arise. The difference between this and the previous case is derived from the favor of the soul and the danger of sin; for such would be the case if the marriage were dissolved solely on the confession of the parties; perhaps it would already have been valid beforehand; not so from its contract, if nothing else stands in the way." Hostien, in Summa h. t. no. %. The testimony of Amadei is not invalidated by the fact that he entered into the marriage against it; for the woman to whom it was opposed acted similarly, and indeed, she attempted to invalidate the marriage before the Church through fraud; but he, being imbued with a Protestant error, may believe in good faith that he is exercising his right. Anne, who married a Catholic man, whose family always insisted that the marriage be contracted legitimately, is presumed not to have been ignorant of the impediment to the bond. See the testimony of Amadei: "Our relationship before the marriage lasted for about a year. Alvina Laube never showed reluctance to the marriage, and never opposed it. I was not aware of any violence that the parents of Alvina Laube were exercising against our marriage. Alvina Laube did not oppose, either with me or with my father, going to the civil marriage. She did not at all seek to avoid the marriage, nor did she ever propose to me to renounce the marriage. The day of the marriage passed with the greatest joy and the best mood. The bride did not refuse after the marriage to accept married life with me. My wife did not refuse from the beginning, and fulfilled her conjugal duties for the entire first year. Only in 1898, when she met the non-commissioned officer Ugo Wasner, who had stayed during the maneuvers at her mother's house and was then introduced into my house by her, did she refuse her love and refuse to unite with me any longer. My wife abandoned me and my child in the year 1901, and refused, despite my repeated pleas, to return." After seven years of married life, in which a child was born, the woman deserted her husband. This long cohabitation with a child born confirms.

[*Latin ed. p. 675*]

675 The testimony of a man, freely given with his consent, outweighs the assertions of a woman alleging fear. After mature consideration of all these matters, both in law and in fact, and invoking the name of Christ, We, the

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undersigned Auditors of Tournon, sitting as a tribunal and with God alone before our eyes, do hereby decide, declare, and definitively pronounce, answering the proposed question in the negative, namely: that there is no proof of the nullity of the marriage in this case. Thus we pronounce, ordering the Ordinary and officials of the tribunals to whom this pertains to enforce this our definitive sentence, and against those who resist, to proceed according to the sacred canons, especially chapter 3, session 25 of the Council of Trent, employing the executive and coercive means that are most effective and appropriate for the circumstances. Rome, in the seat of the Tribunal of the Sacred Roman Rota, on the 1st of July, 1912. Franciscus Heiner, President. Ioannes Prior. Aloisius Sincero. T. Tani, Notary. REGARDING THE NULLITY OF MARRIAGE (REYNIER-DE CHALONGE). Under the blessed reign of Pope Pius X, during the ninth year of his pontificate, on the 17th of July, 1912, the Most Reverend and Reverend Fathers, Franciscus Heiner, President, Ioannes Prior, and Aloisius Sincero, Auditors of Tournon, in the case of "Gratianopolitan Nullity of Marriage" between Maria Reynier, represented by her legitimate procurator, Nazarenus Ferrata, Advocate, and Marcellus de Chalonge, who intervened and defended the validity of the marriage by virtue of his office, rendered the following definitive sentence. Maria Reynier, aged 20 years, entered into marriage with her cousin, Marcellus de Chalonge, after obtaining a dispensation regarding the impediment of consanguinity, on the 2nd of October, 1906, in the parish church of Saint Aloysius in the city of Grenoble. However, after a little more than a year and a half, serious disagreements arose between Maria and Marcellus, which caused the interruption of their conjugal life, without any hope of reconciliation. Maria then petitioned the ecclesiastical tribunal of Grenoble, requesting that it...

[*Latin ed. p. 676*]

676 Acta Apostolicae Sedis. - Official Commentary. Consequently, a declaration of nullity based on the head of clandestine marriage would be deemed invalid. On February 23, 1912, a judgment was issued in favor of the actress, declaring the marriage null. The defender of the bond, appealing ex officio, brought the case before the Sacred Tribunal under the customary doubt: Whether the nullity of the marriage can be established in this case. The case concerns the most celebrated Decree of the Council of Trent (Session XXIV, chap. I, concerning marriage), which was in force at the time of the marriages throughout the diocese of Gratianopolitanum. Consequently, only the proper parish priest of either of the spouses was competent to validly assist at the marriage, either personally or through a legitimate delegate. In fact, the marriage between Mariam and Marcellus was contracted in the city of Gratianopolitanum, specifically in the parish church of Saint Aloysius, before the parish priest of that church, because Mariam at that time believed that she resided in that parish. Now, Mariam

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contends that this belief did not correspond to the truth, citing the following reason: that at the time of the marriage, she was a minor, and that her father, Paulum, whose domicile she shared, was no longer domiciled in Gratianopolitanum at that time, but had definitively left that city, and had acquired a new domicile in the town of Bordy-Chakir, in the parish of "De la Manouba," in the archdiocese of Carthaginiensis. Regarding the question of which parish priest was competent in this case to assist at the marriage between Mariam and Marcellus, the parish of Claix is absolutely excluded, where the actress's father owned a house in which he resided for several months due to rural work; otherwise, the marriage was not celebrated there, and the local parish priest did not delegate anyone for this purpose. But the question of whether Paulum Reynier had a domicile or at least a quasi-domicile in Bordy-Chakir at the time of his daughter's marriage can be dismissed. Indeed, the marriage in question was not contracted there, and such a domicile in Bordy-Chakir, if it were truly acquired by Paulum, would not, by itself, entail the loss of his domicile in Gratianopolitanum, since one can have two domiciles at the same time in different places. Therefore, the only question is whether the actress's father, who, along with his brothers, purchased a rural property in Bordy-Chakir for health reasons and used to spend the winter months there, had permanently abandoned and lost his domicile in Gratianopolitanum, in which city the marriage was celebrated, and was therefore not competent to assist at the marriage before him. The marriage in this case can only be declared null if it can be certainly proven that Paulum, at the time of his daughter's marriage, truly lost his domicile in that city, and was therefore not the competent parish priest of the church of Saint Aloysius to assist at the marriage. The law regarding the absolutely necessary requirements for establishing a true domicile is well known. There are two constitutive elements: factum and intentio.

[*Latin ed. p. 677*]

The Roman Rota has ruled that a *talionis* [legal right] and the intention, or mind, of remaining permanently in a place are perpetually present in that location, unless some circumstance draws one away. Furthermore, in law, it is certain that a domicile is lost only for the same reasons by which it is acquired, namely, by actual departure from the place of domicile, and by the lack of intention to return; in other words, a domicile is lost if both the act of habitation and the intention of remaining cease. On this matter, the most celebrated pastoral instruction of Eichstätt (ed. V, p. 396) states: "Just as a domicile is not acquired unless with intention and action, so it is not lost unless by both, namely, by the very departure with the intention of not returning... Therefore, he who departs with the intention of returning and preserving it, does not lose it." However, the Doctors note, a doctrine that is observed by the practice of the courts, that when someone has acquired a domicile through habitation with the intention of remaining there perma-

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nently, it is not considered lost, even if that person has been away from the place for months or years, unless it is certainly established that he has actually left with the clear intention of permanently abandoning the place of habitation. Therefore, the intention of not returning is not to be presumed, but must be proven by certain and clear arguments. Legal rights that do not infringe upon the rights of a third party are considered favorable and are not lost unless the contrary is clearly proven. In such a case, even slight proofs, indeed, slight indications, are sufficient to prove that the domicile has not been lost due to a lack of intention to permanently abandon the acquired domicile, until certain arguments demonstrate the contrary: thus, the Doctors teach unanimously. Furthermore, when someone is considered to have a domicile where he has his *lares*, and the bulk of his possessions and fortune are located, this transfer is not considered to have taken place if someone has moved from one place to another, or if he has not truly or completely transferred the bulk of his possessions and fortune. Therefore, the most learned Bishop of Brescia, Aichner (Compendium Iuris eccl., p. 576), also teaches: "From the fact that someone has moved to another place and established a domicile there, it does not necessarily follow that he has abandoned the domicile previously possessed, because the person leaving may have arranged matters in such a way as to have... two true domiciles." Finally, as the *Defensor vinculi* correctly states in his observations on the present case in the *H. S. T.*, considering the notion of domicile and its constitutive elements, nothing prevents the intention, on the part of the father of a family, of preserving that domicile for his family, from being considered sufficient to maintain a domicile already acquired. Hence, the aforementioned Aichner (teaches ibid., p. 574): "As long as he retains in that place [of the acquired domicile] a habitation intended for himself or for his family, a longer absence..."

[*Latin ed. p. 678*]

678 Acta Apostolicae Sedis. - Official Commentary. "Although, by itself, it is not sufficient to effect a true change of domicile." Applying these most well-known principles of law to the case in question, it must be said that it has not been fully proven that the father of the actress, through the acquisition of a house and residence for the sake of his health in Bordy-Chakir, truly lost his domicile in Gratianopolitanum. Therefore, the parish priest of the church of St. Aloysius was considered competent to assist in the marriage of the minor daughter of Paul Reynier, so that it must be decided that the impediment of clandestine marriage does not obstruct the validity of the marriage between Mary and Marcellus. This follows from the following facts, arguments, and evidence contained in the records of the process. Paul Reynier (born in Gratianopolitanum, and died in Claix in 1907) possessed in Gratianopolitanum a certain factory with a dwelling for himself and his family. The ownership of this factory and dwelling was, in law and in fact,

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with Paul until his death, although, some years before his death, he granted a part of the factory to his brothers, for administrative reasons, while reserving the ownership of the dwelling for himself alone. Therefore, Paul did not transfer the sum of his possessions and fortunes elsewhere, but retained them in the same place, namely, in Gratianopolitanum. The actress herself testifies to this: "All of my father's fortune was in the 'Reynier' house." Furthermore, Paul, after the acquisition of the house in Bordy-Chakir, not only retained the factory, although later, together with his brothers, and the dwelling with all its appurtenances, but also part of his family remained in Gratianopolitanum, in the same domicile, and the father would often return there during the summer, although only for a short time, so that it may be presumed that he did not intend to permanently abandon this domicile. Even if it could be proven – which has not been done, as will be stated below – that Paul established the center of his fortunes in Bordy-Chakir, it would not follow that his domicile in Gratianopolitanum was thereby excluded and extinguished, since at most, it could be said that he had an equal right in both places, and therefore had a double domicile. The accidental circumstances, that Paul was unable to manage the factory's business in that place and did not receive all the profits, do not change the substance of the ownership: from Gratianopolitanum, as the center of the sum of his possessions and fortunes, it was only physically separated due to ill health, and after recovering his health, he could always return, which was certainly his intention, because the love of his native land and his duty to his family should have compelled him to do so. Furthermore, the purpose for which Paul moved to that house in Africa was solely for the restoration of his health under a favorable climate, during the winter. Therefore, he was sick,

[*Latin ed. p. 679*]

Saint Bonaventure teaches that, due to the temporary nature of his condition, which prevents him from permanently residing in his home in Gratianopolitanum, Paul chose to reside in Bordy-Chakir. Let us hear what Cardinal de Luca says in *Disputationes de Matrimonio*, Book I, chapter 10: "Therefore, the entire basis of the case rested on this very inspection, concerning 'the substance, namely, of the domicile, and whether this contract can be said to have the effect of 'administering this sacrament, which has a particular quality requiring a truly and legitimately contracted domicile, so that it is not sufficient for it to be accidental or occasional, which is sufficient for the administration of other sacraments, even for travelers and pilgrims, or for those who, for the benefit of the air, or for the sake of rest or recreation, stay for a time in a town or other place, however notable it may be.'" Therefore, the reason that led Paul to move away from the city of Gratianopolitanum was not of a permanent nature, and therefore he could not have intended to abandon his acquired domicile; on the

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contrary, this provides a very strong indication of his intention to retain it. The very sentence in question, which, in order to conclude that Paul had lost his domicile in Gratianopolitanum, examined the periods of time during which Paul and his family resided in Gratianopolitanum, during the period in which they enjoyed the benefit of the air, either in Bordy-Chakir or in Claix, revealed that the witnesses, in their testimony, intended to minimize the duration of their stays. Furthermore, it should be noted that the entries in the diaries written by the mother of the parties reveal that, in the years immediately preceding the marriage, namely in the years 1904-1905, Paul and his family resided in Gratianopolitanum for approximately four months in 1904, and for nearly three months in 1905. However, these stays, being the result of an accidental and temporary cause, namely, the illness of Paul and his children, were not taken into account by the judgment in relation to the intention of continuing the domicile in Gratianopolitanum. Although, therefore, the residence in Bordy-Chakir, due to Paul's poor health, did not constitute, for the judge of first instance, a cause that was accidental and temporary, and therefore did not invalidate the domicile, the residence in the domicile itself, acquired for the same reason, was, according to the same judge, undoubtedly temporary and not sufficient to demonstrate the intention of not abandoning the domicile itself, although Augustus Reynier testified: "He (Paul) felt just as comfortable in the two villas as he did in his hotel in Grenoble." The judge could not conclude, based on the alleged accidental stay in Gratianopolitanum, that Paul had abandoned his domicile. For it is well known in law that absence from a place, even if prolonged for years, does not create any presumption of abandonment of the domicile; a fortiori, repeated returns to the place cannot harm the domicile.

[*Latin ed. p. 680*]

680 Acta Apostolicae Sedis. - Official Commentary. arising from accidental causes. For such revenues, if they truly had a temporary reason for remaining, even if they could not demonstrate an intention of establishing a domicile, they could in no way prove that the intention of establishing a domicile had been lost, as the ruling states. The Defender of the Bond aptly observed: "It is not necessary to prove whether Paul maintained a domicile in Grenoble at the time of his daughter's marriage, since it is to be presumed, either because a domicile once acquired is not understood to be lost unless the contrary is proven, or because the marriage is presumed to be valid; but on the contrary, it must be rigorously maintained that Paul lost his domicile in Grenoble, which is entirely different." Furthermore, if the appealed ruling argues that Paul's stay in Ciaix did not constitute a domicile or quasi-domicile, because the stay there did not exceed three or four months, and was solely for the purpose of rural living, while, on the other hand, the place of Bordy-Chakir should be considered a true domicile, this

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argument is also entirely flawed and false. For, according to the testimony of a doctor, the same reason compelled Paul to live in both places, namely, to enjoy the benefits of the air. Therefore, if he did not acquire a domicile in one place, nor in the other, because in both cases the reasons for staying were the same, in which case neither longer nor shorter periods of stay constitute an essential difference. Nor can it be said that Paul possessed a house and vineyards in Bordy-Chakir, and therefore established there the center of his fortune. For neither the house nor the vineyards constituted Paul's exclusive property, but they were owned jointly with his brothers, Augustus and Henry. Henry testified: "It is not the Reynier house that is the owner in Tunisia. Bordy-Chakir is a family property." Indeed, from the fact that those assets belonged not to the Reynier house, but to the Reynier family, that is, to the Reynier brothers, it follows that Paul did not establish his family there as the center of his fortune. The alleged proof of domicile in Bordy-Chakir may be dismissed as having been acquired by Paul through a civil act, in order to have his sons with him there, earning a stipend. Indeed, it is demonstrated that this registration was fictitious, because it was carried out secretly, so that no one else knew about it, except the spouses Reynier and his brothers, not even the actress herself. Moreover, it must be said again that the alleged domicile in Bordy-Chakir has no bearing on the case. Even if Paul had a domicile there, it would not exclude the domicile in Grenoble, and certainly the acquisition of a new domicile would not prove the loss of a previously acquired domicile.

[*Latin ed. p. 681*]

Book VI, Chapter 681. In the records, certain elements are lacking, from which it can certainly be proven that Paul had the intention of permanently abandoning his home in Gratianopolitanum; on the other hand, there are many arguments from which one can deduce the intention of retaining the home in Gratianopolitanum. However, the testimonies of the witnesses, although all are sworn, are not of the same value in this matter. Although it cannot be said that the actress is not worthy of belief, her testimonies, being made in a matter concerning herself, are of no value, or at most, of very little value. The parish priest of Glaix, questioned by the judge, "Do you believe in the veracity of 'Madame de Ghalonge,' especially in the answers of which you have heard the reading?" replied: "I do not believe it, because I have the impression that she answered in a way to avoid mentioning the home in Grenoble." It cannot be objected that the actress's testimonies were made under oath, since Instruction Australis § 169 states: "An oath taken by spouses, as well as their confession, cannot provide proof of an impediment existing or supplement it." Furthermore, those witnesses who are officials of the Reynier family, and who often use exactly the same words regarding Paul's home, while on the other hand, in many details they differ from the testimonies of other witnesses, are not free from all suspi-

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cion, nor are they of any greater importance. The same can be said of the latest testimonies of the doctor and the actress's brothers regarding Paul's intention of permanently leaving his home in Gratianopolitanum, or at least, reasonable doubt can be raised about the value of such evidence in relation to the judge's decision. From the voluminous procedural records, it is sufficient to cite a few testimonies from which it can be directly or indirectly concluded, or should be concluded, that Paul did not have the intention of permanently abandoning his home in Gratianopolitanum. The actress herself testifies that no marriage announcements were made in the parish of Manuba, in whose district the place of Bordy-Chakir is located, nor were dispensations from the banns granted by the Archbishop of Carthaginensi. When questioned by the judge, "Was your marriage announced in his (the priest of Manuba's) parish? Or at least, was a dispensation from the banns requested from the Archbishop of Carthage?" she replied: "No, my marriage was not announced in the parish. Nor was a dispensation requested from the Archbishop of Carthage." Furthermore, when asked, "Did he (the actress's father) have interests there (in Bordy-Chakir), an estate to oversee, or did he simply go there to spend the pleasant season and for reasons of health?" she replied: "There were once some signs, but it was not, strictly speaking, an estate. He went there to spend the summer." Indeed, from the fact that Paul stayed in Bordy-Chakir only for the purpose of rural recreation...

[*Latin ed. p. 682*]

682 Acta Apostolicae Sedis. - Official Commentary. It is stated that he did not have a residence there, nor had he abandoned a residence previously held. Furthermore, the continued possession of his own house in Gratianopolis also demonstrates that he did not abandon his domicile. For, when questioned by the judge, "During this time [i.e., after the marriage celebration], where did you reside?" the woman testified: "In Grenoble, on Rue Marchal-Rode, in the house that my father had built at the same time as the factory. It was completely furnished." It is established that Paul did not rent out his house in Gratianopolis; for, when the woman was questioned by the judge, "Was there not an intention to rent your residence on Rue Marchal-Rode?" she replied: "Yes, there was an intention, but my father did not proceed with it due to the requests of my uncle Auguste...." However, the reason why Paul did not rent out the house, namely, the prayers of his brother, does not invalidate the argument, since Paul, in fact, continued to possess the property of his house. Furthermore, the woman's confession, "All of my father's fortune was in the house Reynier," supports the intention of Paul to retain his domicile. Therefore, the greater part of the father's fortune was in Gratianopolis. Consequently, the civil marriage was contracted without any difficulty in Gratianopolis. The woman herself testifies to this: when questioned by the judge, "Where was the civil

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marriage between you and Monsieur de Chalonge celebrated?" she replied: "At the town hall of Grenoble"; and when questioned, "Did you encounter any difficulties in celebrating it in Grenoble?" she replied: "None. They asked me nothing concerning my domicile, because they believed that the domicile of the house Reynier was on Rue Marchal-Rode." If Paul had not, in fact and in law, had his domicile in Gratianopolis, then, according to French law, the civil marriage contract could not have been validly entered into in that city. Finally, the fact that the woman, along with the entire Reynier family, considered Gratianopolis to be their domicile even after the marriage celebration and after the death of Paul, proves the continued residence up to this day; of which the woman herself testifies: "For the first two winters, we went to Tunisia, but since then... we have remained in Grenoble." From the depositions of the parish priest of the church of Saint Aloysius, in which the woman's marriage was celebrated, it is sufficient to note certain things. When Paul was seriously ill, he lay in his house, where the parish priest visited him. Furthermore, the same parish priest testifies that he believes he saw Mary receiving the sacraments in the church of Saint Aloysius, and that this church was always considered to be the parish church of the Reynier family; therefore, the mother also dealt with its pastor, when her son received his First Communion.

[*Latin ed. p. 683*]

St. Romanus, folio 683. The communion, and the family contributed a large annual sum of money for the divine worship of that same church. Furthermore, the mother of the actress directly addressed the formalities of the marriage with the daughter to the parish priest of the church of St. Aloysius, so that no doubt might arise concerning her domicile or the competence of the parish priest. Testifying, the mother of the actress, according to public opinion, Paul always had his domicile in Gratianopolitanum. Marcellus de Ghalonge, the defendant in the case, testified that Paul Reynier, with his family, resided in a Gratianopolitan house for about six months, and that the house was completely decorated and furnished for the reception of guests. Therefore, he said: "My impression is that we have always considered the 'Reynier' family to be from Grenoble, and that they themselves considered themselves to be 'such'." And again: "I always believed that the marriage was celebrated in 'St-Louis, because it was the parish'," adding that he had never heard anything about abandoning the Gratianopolitan domicile. Augustus Reynier, Paul's brother, testified that his brother had built a factory and a house for himself and his family in Gratianopolitanum, that he had reserved the profits of the factory for himself after his departure to Africa, and that he had not relinquished his share, but that he frequently returned to Gratianopolitanum after his illness: "After his illness, he came very often to Grenoble; my sister-in-law came more often." When questioned by the judge: "Did you have any doubts about the validity of the

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Chalonge marriage with respect to the future bride's domicile?" he replied: "No doubts." Henry Reynier, another brother of Paul, when questioned by the judge, "Did Mr. Paul Reyner not continue to manage the interests of the Reynier house, by overseeing the agricultural operations in Tunisia, when his health required him to spend the winter there?" replied: "It is not the Reynier house that is the owner in Tunisia; Bordy-Chakir is a family property." When questioned again: "To whom did the hotel on Marshal-Rode Street, the residence of Mr. Paul Reynier, belong?" he replied: "The hotel belonged to him." The witness, Joanna Gillet de Chalonge, the mother of the defendant, believes that her son considered Mariam Reynier to be from Gratianopolitanum, and when asked by the judge: "Did the house in Grenoble give the impression that one was truly at home, a center of their relationships and affairs?" she replied absolutely: "Yes." The same witness confessed that she had not had the slightest doubt about the validity of the marriage. The testimony of Francis Berve, the vicar of the church of St. Aloysius, who made entries in the parochial books, is of great value. He testifies that he had no doubt whatsoever regarding the Gratianopolitan domicile of the family.

[*Latin ed. p. 684*]

684 Acta Apostolicae Sedis. - Commentarium Officiale. Reynier, and he himself was astonished, when he heard that Lady de Cha strongly maintained the invalidity of the marriage. Apart from other witnesses, who directly or indirectly testify to the same, the testimony of Adalbert Chaperon, the pastor of the parish of Claix, is presented, where Paul lived with his family for several summer months: "I was convinced that Mr. Paul Reynier, being the principal manager of the 'factory,' necessarily had his residence in Grenoble." Therefore, all these testimonies converge on this point: that Paul Reynier went to the land of Tunisia at the advice of doctors, due to his poor health, or for the sole purpose of being treated, and that he never intended to permanently abandon his residence in Gratianopolis. The entire property of the Reynier family was neither transferred to the place of Bordy-Chakir, nor was it given to others; the house in Gratianopolis, intended for the Reynier family, remained the same, adorned with the same furnishings as before, and Paul and his family always provided hospitality there during their stay in Gratianopolis. Although Paul, due to his illness, could only temporarily reside in his native place, he intended to keep that house for his family, which sufficiently demonstrates that he did not intend to abandon his residence forever. This is also proven by the fact that he intended to donate this house to his eldest son, as the court judgment itself confesses: "That he (Paul) left the 'furniture at the hotel in Grenoble' proves that he could, being wealthy, 'and with a view to his family later, not that he was determined to resettle there.'" The same is demonstrated by the conviction of the Reynier family that only the pastor of St. Aloysius was competent

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regarding the celebration of the marriage, and the dispensation granted by the Archbishop from the impediment of consanguinity. It cannot be argued that the Reynier family chose Gratianopolis as the place of celebration of the marriage because the factory workers intended to offer a valuable gift on the day of the wedding, as the plaintiff and some other witnesses claim. For it appears from the mother of the plaintiff's diary that, on April 29, 1906, the celebration of the marriage in Gratianopolis was decided, while the intention of offering a gift was not decided until August. Therefore, the celebration of the marriage in Gratianopolis provided the factory workers with an opportunity to offer gifts, but the offering of the gift was in no way the reason why the marriage was celebrated in that place. It should also be noted the argument derived from the fact that Paul expressly manifested his will that his body be buried in a tomb for himself and his family in Gratianopolis, and in fact, all the funeral ceremonies were celebrated in the parish of St. Aloysius, in which the family's residence is located.

[*Latin ed. p. 685*]

The Roman Congregation. 685 From these and other reasons, it is entirely clear that Paul never had the intention of permanently abandoning his domicile in Gratianopolitanum. Even if this matter were still doubtful, it has not been proven to the contrary, namely, that Paul truly had a firm intention of permanently leaving his domicile in Gratianopolitanum; therefore, the presumption always remains in favor of the preservation of this domicile, and therefore also of the validity of the marriage. After having considered and diligently pondered all of these things, invoking the name of Christ, We, the undersigned Auditors, sitting for the tribunal and having only God before our eyes, decree, declare, and pronounce: It does not appear that there is any nullity in the marriage in this case, or we answer negatively to the proposed doubt, furthermore, We order that the plaintiff be held liable for all expenses. Thus We pronounce, commanding the Ordinaries of the places and the ministers of the tribunals to whom it pertains, that they enforce this Our definitive sentence, and against those who resist, that they proceed according to the sacred Canons and especially chapter 3 of session 25 of the Council of Tridentini, using the executive and coercive means that will be more effective and appropriate for the circumstances. In Rome, on the 17th day of July, 1911. Franciscus Heiner, President. Ioannes Prior Aloisius Sincero. Sac. Tancredes Tani, Notary.

[*Latin ed. p. 686*]

686 Acta Apostolicae Sedis. - Official Commentary. SECRETARY OF STATE LETTER. TO THE REVEREND FATHER EZEQUIEL BM, SUPERIOR GENERAL, WHO PRESENTED TO THE HOLY FATHER VOLUMES CONTAINING THE WORKS OF THE MOST BLESSED SAINT JOHN OF THE CROSS, CARMELITE, A DEVOTED WORK,

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REPUBLISHED.

Most Reverend Father General,

The Holy Father has received with great pleasure the volumes containing the spiritual works of Saint John of the Cross, and the affectionate address with which the Reverend Father presented them to him, on behalf of his confreres and subjects. These are books filled with heavenly wisdom, and with useful instruction for souls desiring Christian perfection, and you have performed a work of holy apostolate by ensuring their wider dissemination through this new edition.

Therefore, through my means, the august Pontiff expresses to the Reverend Father and to the entire Order the sentiments of his grateful heart, and sends to you and to the entire Order the apostolic blessing, a pledge of the abundant heavenly graces which he invokes for all.

With sentiments of sincere esteem, I proceed, after this, to reaffirm my devotion.

Rome, October 20, 1912.

Sincerely in the Lord,

R. CARD. MERRY DEL VAL.

[*Latin ed. p. 687*]

Diary of the Roman Curia. 687 DIARY OF THE ROMAN CURIA, SACRED CONGREGATION OF THE COUNCIL. NOTICE OF COMPETITION. It is hereby notified that a competition for the office of Scribe will be held in the Secretariat of the Sacred Congregation of the Council. This competition will take place in the hall of the aforementioned Secretariat on the 16th day of the coming month of December, at 8 o'clock. All those who wish to participate must, no later than the 10th day of the same month of December, submit their application with the relevant documents. Rome, 9 November 1912. O. Giorgi, Secretary.

SECRETARY OF STATE. APPOINTMENTS. By a letter from the Secretary of State, the Holy Father has deigned to appoint: 19 October 1912. — The Most Reverend Cardinal Ludovico Billot, among the most eminent Cardinals belonging to the Sacred Congregation of Rites. By Apostolic Briefs, the Holy Father has deigned to appoint: Apostolic Protonotary *ad instar participantium*: 12 October 1912. — The Reverend Doctor Don Nicola E. Navarro, Rector of the Archdiocesan Seminary of Caracas. Domestic Prelates of His Holiness: 1 October 1912. — Monsignor Benedetto Rieg, Rector of the Seminary of Rottemburgo. 28 October. — The Reverend Don Napoleone Giuseppe Roulleaux, of the diocese of Alexandria in Louisiana. By letters from the Secretary of State, the Holy Father has deigned to appoint: Honorary Secret Chamberlains of His

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Holiness: 9 October 1912. — Monsignor Vincenzo Lopez Aveledo, of the Archdiocese of Caracas. — Monsignor Edmondo Acuña, of the same Archdiocese.

[*Latin ed. p. 688*]

688 Acta Apostolicae Sedis. - Official Commentary. October 9, 1912. — Monsignor Mark S. Godoy, of the same archdiocese. October 19. — Monsignor Anthony Trajer, of the diocese of St. Hippolitus. Honorary Chamberlain of His Holiness, wearing the purple cassock: October 12, 1912. — Monsignor James Rossi, of the diocese of Bergamo. HONORS. By Apostolic Briefs, the Holy Father deigned to bestow the following honors: The Order of St. Gregory the Great, civil class: October 11, 1912. — To Mr. Giovanni Marjoribanks Egerton, residing in Florence. October 21. — To Mr. Count Leone Gastone du Coëtlosquet, of the diocese of Nancy. October 28. — To Mr. Don Francesco de Silva y Fernandez de Henestrosa, Marquis of Zahara. The Knighthood of the Order of Pius: October 28, 1912. — To Mr. Aurelio Gomez Gonzalez, Mayor of Burgos. The Knighthood of the Order of St. Gregory the Great, civil class: September 5, 1912. — To Mr. Santos Unzué, of the archdiocese of Buenos Aires. October 16. — To Mr. Baron Deodato de Laburgade de Belmont, of the diocese of Montauban. October 24. — To Mr. architect Enrico Mellet, of the same archdiocese. — To Mr. architect Arturo Regnault, of the same archdiocese. October 28. — To Mr. Felice Michel, President of the Conferences of St. Vincent de Paul, in the archdiocese of Rheims. — To Mr. Giulio Périnet, Honorary President of the Tribunal of Rheims. — To Mr. lawyer Augusto Palle, of the aforementioned archdiocese. The Knighthood of the Order of St. Sylvester: October 29, 1912. — To Mr. Pietro Andereggen, formerly Sergeant Major of the Swiss Guard. — To Mr. Augusto Imsand, Sergeant Major of the Swiss Guard. NECROLOGY. October 29, 1912. — Monsignor Benedict Murua y Lopez, Archbishop of Burgos. November 3. — Monsignor Francesco Jarrin, Bishop of Plasencia. November 9. — Monsignor Francesco Baldassarre, Bishop of Imola. November 14. — The Most Reverend Cardinal Alfonso Capecelatro, Archbishop of Capua.

[*Latin ed. p. 689*]

Year IV. - Vol. IV. December 2, 1912. No. 21. OFFICIAL COMMENTARY OF THE APPOSTOLIC EDITIONS. PAPAL ACTS. APOSTOLIC LETTER. The Society of Saint Catherine, Virgin and Martyr, under the patronage of the Most Holy Virgin, founded in Paris, is canonically erected and granted the title and privileges of an Archisodalitas. PIUS PP. X. For the perpetual memory of the matter. — It is Our most earnest desire that, for the enlightenment and guidance of the minds and wills of those divinely called, the study of letters may be rooted in God above all, and entrusted to the patronage of His Saints. Therefore, We have received with joy and plea-

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sure the work called "Saint Catherine of Alexandria," and subsequently dedicated to Our Most Holy Lady of Good Studies, which, from the year 1891, has been canonically established in the Catholic Normal Institute in Paris, where it first arose and grew, and whose purpose is to implore divine mercy so that faith may be restored in teaching. Now, since this fruitful association, which already comprises a large number of members, has happily spread to other dioceses, not only in France but also in other regions, even distant ones, and has been enriched with special indulgences and privileges by the Blessed Pope Leo XIII and by Ourselves; and since prayers have been offered to Us by the present Rector of the Work, together with its Council and administration of the aforementioned Institute, and by many Cardinals and dignitaries of the Holy Roman Church, that We might deign to grant the same Society new graces, We have gladly considered them. Wherefore, by these Apostolic Letters, We hereby declare that the aforementioned work of Saint Catherine of Alexandria, under the patronage of Our Most Holy Lady of Good Studies, duly existing in the Catholic Normal Institute of the city of Paris, is raised to the rank of an Archisodalitas.

[*Latin ed. p. 690*]

Acts of the Apostolic See. - Official Commentary. With the usual perpetual privileges, We establish and institute [this]. To the officials and members, present and future, of the Archsodality thus established, We likewise grant and bestow, by the same apostolic authority, perpetually, that they may lawfully and validly join, with all their sodalities of the same name and institution, wherever they exist throughout the world, while observing the form of the aforementioned Constitution of Pope Clement VIII, which begins "Quaecumque a Sede apostolica," and other apostolic ordinances issued above, and that they may communicate to them all and each of the indulgences, remissions of sins, and relaxations of penances granted by the Apostolic See to this Sodality established as an Archsodality by Us, and those that may be granted to others. We decree that these Our letters shall always be firm, valid, and efficacious, and shall have and obtain their full and complete effect, and that they shall fully suffice for those to whom they pertain, now and in the future, in all things and through all things, and that, accordingly, matters concerning these things shall be judged and determined by any ordinary or delegated judge, and that they shall be null and void if anyone, by any authority, knowingly or unknowingly, should attempt to interfere with them in any way. Notwithstanding any contrary provisions. Given at Rome, at St. Peter's, under the Fisherman's Ring, on the thirtieth day of October, in the year 1912, in the tenth year of Our pontificate. R. L. S. CARD. MERRY DEL VAL, Secretary of State. LETTERS. TO CARDINAL PETRUS RESPIGHI, VICAR OF THE CITY, WRITING, HE APPROVES THE NEWLY PUBLISHED CATECHISM OF CHRISTIAN DOCTRINE AT

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HIS OWN INSTRUCTION AND ORDERS THAT IT BE DISTRIBUTED THROUGHOUT THE ROMAN ECCLESIASTICAL PROVINCE.

Your Eminence,

From the very beginning of Our pontificate, We have devoted the utmost care to the religious instruction of the Christian people, and in particular of children, convinced that a large part of the evils that afflict the Church stem from ignorance of its doctrine and its laws. Its enemies condemn it by blaspheming what they do not understand, and many of its children, not knowing them, live as if such laws did not exist. Therefore, We have often insisted on the utmost necessity of catechetical instruction, and

[*Latin ed. p. 691*]

The Acts of Pope Pius X, 691, record that We promoted this matter in every way possible, both through the Encyclical Letters *Acerbo nimis* and through the regulations concerning catechisms in the parishes, as well as through approvals and encouragement of catechetical congresses and schools of religion, and also by introducing here in Rome the text of the Catechism which had long been in use in some of the larger ecclesiastical provinces of Italy. However, with the passage of years, both because of the new difficulties insidiously placed in the way of any instruction in Christian doctrine in the schools, where it had been taught for centuries, and also because of the provident anticipation, which We desired, of the First Communion of children, and for other reasons, having been informed of the desire for a sufficient Catechism that would be much shorter and more suited to the needs of today, We agreed that the old Catechism should be reduced to a new, much shorter one, which We ourselves examined and wished to be examined by many of Our brother Bishops of Italy, so that they might express their opinion in general, and indicate in particular, according to their knowledge and experience, the modifications to be introduced. Having received from them an almost unanimous favorable assessment, with not a few valuable observations which We ordered to be duly considered, We believe that We should not delay any further a substitution of text, which for various reasons is recognized as opportune, trusting that it, with the blessing of the Lord, will be much more convenient and equally, if not more, advantageous than the old one, both because the volume of the book and the things to be learned, being greatly reduced, will not discourage young people, already burdened by school programs, and will allow teachers and catechists to have it learned entirely; and also because, despite its brevity, it contains more clearly explained and emphasized those truths which, today, with immense harm to souls and society, are more contested, or misunderstood, or forgotten. Indeed, We trust that even adults, who, as they sometimes should, wish to refresh in their minds the fundamental knowledge upon which Christian spiritual and moral life is based, will find this short summary useful and welcome, and that they

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will find it carefully prepared, where they will encounter the principal divine truths and the most effective Christian reflections, presented with great simplicity. Therefore, this Catechism, and the First Elements which, for the convenience of the children, We have ordered to be extracted from it without alteration of words, We, with the authority of the present document, approve and prescribe for the diocese and ecclesiastical province of Rome, forbidding that henceforth...

[*Latin ed. p. 692*]

692 Acta Apostolicae Sedis. - Commentarium Officiale. In the teaching of catechism, another text may be followed. As for the other dioceses of Italia, it suffices for Us to express the wish that the same text, which We and many Ordinaries have judged to be sufficient, be also adopted in them, also so that the disastrous confusion and the discomfort that many experience today in frequent changes of residence may cease, finding in their new residences forms and texts notably different, which they find it difficult to learn, while, through disuse, they confuse and finally forget even what they already knew. And it is worse for the children, because nothing is so detrimental to the good outcome of an instruction as to continue it with a text different from that to which the young person is already, more or less, accustomed. And since some difficulty may be encountered by adults in the introduction of the present text, because it differs from the previous one even in some forms, so as to remove these inconveniences, We order that at all principal festive Masses, as well as in all classes of Christian instruction, the first prayers and the principal other forms be recited at the beginning, aloud, clearly, and reverently. In this way, after some time, without effort, everyone will have learned them; and an excellent and beloved custom of common prayer and instruction will be introduced, which has been in force for some time in many Italian dioceses, with not a little edification and profit. We earnestly exhort, in the Lord, all catechists, now that the very brevity of the text facilitates their work, to strive with even greater care to explain and impress upon the minds of the young people the Christian doctrine, inasmuch as there is today a greater need for solid religious instruction, due to the spread of impiety and immorality. Let them always remember that the fruit of the Catechism depends almost entirely on their zeal, and on their intelligence and skill in making the instruction more easy and pleasing to the students. Let us pray to God that, just as today the enemies of the Faith, ever increasing in number and power, are propagating error by every means, so may there arise a multitude of souls willing to assist with great zeal the pastors, the teachers, and the Christian parents in the teaching of the Catechism, which is so necessary, so noble, and so fruitful. With this hope, We impart from the heart to You, Most Reverend Cardinal, and to all who will cooperate in this holy ministry, the apostolic

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blessing. From the Vatican, 18 October 1912. PIUS PP. X.

[*Latin ed. p. 693*]

Acta Pii PP. X. 693 TO GEORGE CARDINAL KOPP, BISHOP OF VRATISLAVIA, REGARDING A LETTER FULL OF DEVOTION, GIVEN BY HIM ALONG WITH OTHER BISHOPS OF GERMANY, PRESENTED TO THE MOST BLESSED FATHER AT FULDA. Beloved Son, greetings and the apostolic blessing. — From the letters which you and the other bishops of Germany wrote to Us before you departed from Fulda, besides signifying common piety, We also wished to clearly understand with what mind and spirit you received the most recent encyclical letter sent to you concerning associations of workers. Cherish diligently among yourselves this most ready willingness to obey, as your letters declare; and let this inspire your hearts, for nothing is more pleasing to God and to Us, and nothing is more useful to the Church, than the diligent and concordant wisdom of bishops in thinking and acting, which has firmly confirmed its devotion to this apostolic See, and which aids [it]. — The Constantiniana celebrations, to which your thoughts fly, We greatly desire that they may excite the zeal of all Catholics for the freedom of the Church, so that they may bring forth a better hope. We impart to you, beloved Son, to the bishops, and to each flock entrusted to you, with paternal affection in the Lord, Our heavenly graces and Our apostolic blessing. Given at Rome, near St. Peter, on the fourteenth day of November, 1912, in the tenth year of Our pontificate. PIUS PP. X. ADDRESS GIVEN ON NOVEMBER 18, 1912, TO THE PRIESTS AFFILIATED WITH THE ASSOCIATION "L'UNIONE APOSTOLICA," ON THE OCCASION OF ITS FIFTIETh ANNIVERSARY. I thank you, beloved brothers, for the delicate thought that led you to the Vatican to celebrate here, with your old brother, the fiftieth anniversary of the founding of the Unione Apostolica. I thank you from the bottom of my heart, and I pray that the Lord may reward you for this act of exquisite charity. I also congratulate you on having joined this association, because with this act you have taken on the commitment to faithfully fulfill all the priestly obligations: obligations which I have endeavored to promote.

[*Latin ed. p. 694*]

1694 Acta Apostolicae Sedis. - Commentarium Officiale. It is necessary to summarize in the Exhortatio ad clerum, published on the occasion of my sacerdotal jubilee, and with the fulfillment of which we can remain faithful to the vocation to which the Lord has called us: "vocavit vocatione sua sancta" (He called with His holy calling); that is, we can attain the sanctity necessary for the priesthood to which we were called. If, when speaking of simple Christians, Saint Peter called them "gens sancta, genus electum, regale sacerdotium" (a holy people, a chosen race, a royal priesthood), how much more must this be said of us, representatives of God on earth and

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His ministers, "quos Deus elegit in Christo ante mundi constitutionem, ut essemus sancti et immaculati in caritate, quos non dixit servos sed amicos, pro Christo legatione fungentes, ministros Christi et dispensatores mysteriorum Dei?" (whom God chose in Christ before the foundation of the world, that we should be holy and without blame in love, whom He did not call servants, but friends, fulfilling a ministry for Christ, ministers of Christ and dispensers of the mysteries of God)? Therefore, to attain this sanctity, I urge you to always remain faithful to the observance of the rules of your Union, taking care not to exempt yourselves on any day or for any reason from the obligations imposed upon you by them, namely, from meditation, from spiritual reading, from examination of conscience, from the visit to the Most Holy Sacrament, because by observing this order, you will preserve yourselves in goodness and become saints. Distracted by so many other occupations, it is easy to forget the things that lead to the perfection of the priestly life; it is easy to deceive oneself and to believe that by attending to the salvation of other souls, one is also deliberately working on one's own sanctification. But let not this flattery deceive you, for "nemo dat quod non habet" (no one gives what he does not have); and to sanctify others, one must not neglect any of the means proposed to sanctify ourselves. You have also said very well that the characteristic of the priests of the Apostolic Union, and their particular badge, should be, and is in fact, love for the Pope, and this too will contribute wonderfully to your sanctification. To love him, it is enough to reflect on who the Pope is. The Pope is the guardian of dogma and morality; he is the depositary of the principles that form honest families, great nations, and holy souls; he is the counselor of princes and peoples; he is the head under whom no one feels oppressed, because he represents God Himself; he is the father par excellence who in himself unites all that can be of love, of tenderness, of the divine. It seems incredible, and it is indeed painful, that there should be priests to whom this recommendation must be made, but alas, in our days we are in this harsh, unhappy condition of having to say to priests: love the Pope! And how should the Pope be loved? Not "verbo neque lingua, sed opere et veritate" (not with words or with the tongue, but with deeds and with truth). When one loves a person, one seeks to conform oneself in all things.

[*Latin ed. p. 695*]

Acts of the Most Holy Fathers, X, 695, concerning his thoughts, to execute his will, to interpret his desires. And if our Lord Jesus Christ said of Himself: "He who loves me shall keep my word," thus, to demonstrate our love for the Pope, it is necessary to obey him. Therefore, when one loves the Pope, one does not engage in discussions concerning what He ordains or demands, or to what extent obedience should extend, and in what matters obedience is due; when one loves the Pope, one does not say that he has not

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spoken clearly enough, as if he were obligated to repeat to everyone's ear that will which has been clearly expressed so many times, not only verbally, but also in letters and other public documents; one does not question his orders, using the easy pretext of those who do not wish to obey, that it is not the Pope who commands, but those who surround him; one does not limit the sphere in which he can and must exercise his authority; one does not place the authority of other people, however learned, who dissent from the Pope, above the authority of the Pope, for if they are learned, they are not holy, because he who is holy cannot dissent from the Pope. This is the outpouring of a sorrowful heart, which I make, not for you, dear brothers, but with you, to deplore the conduct of so many priests, who not only allow themselves to discuss and criticize the will of the Pope, but are not ashamed to resort to impudent and blatant disobedience, to the scandal of the good and to the ruin of souls. This lamentation is not provoked (I repeat) by you, dear brothers, who, observing the rules of the Union, solemnly profess your obedience, your affection, and your piety towards the Pope. May God preserve you in these holy intentions and comfort you with His blessing; that blessing which I invoke upon you, upon your brothers, upon your families, upon all those dear to you and those you have in mind, that it may be a source of every consolation to all.

NOTICE. To dispel the misunderstanding that certain newspapers are creating among the clergy and the faithful, it is declared that the Holy See does not recognize as being in conformity with the papal directives and the norms of the Letter of His Holiness to the Lombard Episcopate, dated July 1, 1911, the following newspapers: *L'Avvenire d'Italia*, *Il Momento*, *Il Corriere d'Italia*, *Il Corriere di Sicilia*, *L'Italia*, and others of the same kind, regardless of the intentions of some excellent people who direct and assist them.

[*Latin ed. p. 696*]

696 Acta Apostolicae Sedis. - Official Commentary. SACRED CONSISTORY CONGREGATION

I. ACTS OF THE CONSISTORY, AS PUBLISHED, HELD IN ROME, DECEMBER 2, 1912.

His Holiness, Our Most Holy Father Pope Pius X, held a public Consistory this morning in the Vatican Apostolic Palace, to bestow the Cardinal's hat upon the Most Reverend and Most Illustrious Lords Cardinals Cos yMACHO, VICO, BAUER, ALMARÁZYSANTOSeNAGL, who were created and publicly announced in the secret Consistory of November 27, 1911.

For this purpose, the aforementioned Most Reverend and Most Illustrious Lords Cardinals, at approximately 10 o'clock in the forenoon, pro-

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ceeded to the Sistine Chapel, where the usual motets were being performed by the Papal Chaplains. There, in the presence of the Most Reverend and Most Illustrious Lords Cardinals, Heads of Orders, the Chancellor of the Holy Roman Church, and the Chamberlain of the Sacred College, they took the oath according to the Apostolic Constitutions.

Meanwhile, His Holiness, accompanied by His Noble Court, descended into the Sala dei Paramenti, where the Most Reverend and Most Illustrious Lords Cardinals were waiting, along with the Vice-Chamberlain of the Holy Roman Church, the Prince Assistant to the Throne, the Archbishops and Bishops, the various Colleges of the Roman Prelature, the officials, and the members of the papal household, together with the Secretary of the Sacred Congregation of Rites, the Promoter of the Faith, the Consistorial Advocates, and others who customarily attend the solemn pontifical functions. His Holiness then put on the sacred vestments, and from the Ducal Hall, ascended onto the sedia gestatoria, carried between the flabelli, preceded and followed by the aforementioned persons, and proceeded to the Aula delle Beatificazioni, where, having ascended to the Throne, He began the solemn ceremony.

While the Most Reverend and Most Illustrious Lords Cardinals were paying the act of obedience to the Holy Father, the Papal Chaplains intercalated two further motets appropriate to the occasion.

After this, the newly appointed Cardinals, having been introduced into the Hall by the Lords Cardinals Deacons, presented themselves to the Throne of His Holiness, to whom they kissed the foot and the hand, receiving His blessing.

Having been embraced by their colleagues, they proceeded to take their assigned seats. Then, the newly appointed Cardinals, having returned to the Throne,

[*Latin ed. p. 697*]

The Sacred Congregation Consistorialis. 697, having received the Cardinal's hat with the customary formalities from the hands of His Holiness, proceeded with the ceremony. During this ceremony, the Consistorial Advocate, Commendatore Odoardo Marchetti, presented the cause for the beatification of the Venerable Giuseppe Cafasso, a secular priest from Turin. Afterwards, His Holiness, rising from his seat and blessing those present from the throne, descended and, preceded and followed by the Sacred College, together with the newly appointed Cardinals, as well as the aforementioned dignitaries, returned to the Sala dei Paramenti in a palanquin. From there, after removing the sacred vestments, he ascended with his noble retinue to his apartments. Subsequently, the Most Reverend Lords Cardinals proceeded in procession to the Sistine Chapel, preceded by the Papal Chapel Masters, who sang the Ambrosian hymn; upon its conclusion, the Reverend Cardinal Sub-Deacon recited the prayer *super creatos

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Cardinales*, and as the newly appointed Cardinals exited the Chapel, they received a second embrace from their colleagues. After the public Consistory concluded, the secret Consistory took place in the usual hall, during which the Most Reverend and Right Reverend Cardinal Merry del Val, having completed his office as Chamberlain of the Sacred College, presented the customary purse to His Holiness, who, in turn, graciously passed it to the Most Reverend and Right Reverend Cardinal Rinaldini. Then, the Holy Father, after closing his mouth, as is customary, graciously appointed the newly appointed Cardinals to the Sacred Roman Church, of the Order of Priests: Mons. CARLODEHORNIG, Bishop of Veszprém. Furthermore, His Holiness proposed the following titular churches: the Metropolitan Church of Guadalajara, for the Reverend Mons. FRANCESCO, promoted from the cathedral see of Chiapas; the Metropolitan Church of Lyon, for the Reverend Mons. ETTOIRENEOSEVIN, promoted from the cathedral see of Ghâlons-sur-Marne; the Metropolitan Church of KolÃn, for the Reverend Mons. FELICEDEHARTMANN, promoted from the cathedral church of Münster; the titular episcopal see of Epifania, for the Reverend Mons. ARSENIODELCAMPO YMONASTERIO, of the Augustinian Order, formerly Bishop of Nueva Cáceres; the titular episcopal see of Echino, for the Reverend Mons. FRANCESCOSIMONY RODENAS, of the Minor Capuchins, transferred from the cathedral church of Saint Martha in Colombia; the titular episcopal see of Imeria, for the Reverend Mons. GIOVANNIANDREA MASERA, transferred from the cathedral church of Biel; the cathedral church of Faenza, for the Reverend Mons. VINCENZO BACCHI, transferred from the titular church of Mindo. OROZCO JIMÉNEZ,

[*Latin ed. p. 698*]

698 Acta Apostolicae Sedis. - Official Commentary. Cathedral Church of Anagni, for the Most Reverend Monsignor SILVIO GASPERINI, Prior of the Cathedral and Capitular Vicar of Spoleto, Doctor of Sacred Theology and Canon Law. Cathedral Church of Biel, for the Reverend Father NATALESERAFICO, Abbot mitred of Our Lady of Remedy in Genoa. Cathedral Church of Tabasco, for the Reverend Father ANTONIOHERNÁNDEZ, Canon of the Cathedral of Chilapa and General Vicar of that diocese. Titular Episcopal Church of Comana, for the Most Reverend Monsignor ADAMO SENOER, General Vicar and Canon of the Metropolitan Church in Munich, and Doctor of Canon Law. Therefore, His Holiness announced the appointments to the following churches, already made by Bull or Brief: Titular Archbishopric of Anazarbus of the Latin Rite, for the Reverend Monsignor CLAUDIOGIUSEPPEGONZALVESPONCEDELEÁO, transferred from the Metropolitan See of Portalegre in Brazil. Titular Archbishopric of Edessa, for the Reverend Monsignor TOMMASOPIO BOGGIANI, promoted from the Cathedral Church of Atri. Metropolitan Church of Sens, for the Reverend Monsignor GIOVANNI

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VITTORIO EMILIO CHESNELONG, promoted from the Cathedral Church of Valence. Titular Archbishopric of Laodicea of the Theodoriada, for the Reverend Monsignor RAFFAELESCAPINELLIDILÉGUIGNO, diocesan of Reggio Emilia, Secretary of the Holy Congregation for Extraordinary Affairs. Titular Archbishopric of Melitene, for Monsignor GIOVANNIBONZANO, diocesan of Vigevano, Rector of the Urban College of Propaganda Fide in Rome, Doctor of Theology and Canon Law, and Consultor of the Holy Consistorial Congregation. Titular Archbishopric of Trebizond, for the Reverend Monsignor GIUSEPPE CAMASSA, formerly Bishop of Melfi and Rapolla. Titular Archbishopric of Seleucia of Syria, for the Reverend Monsignor DOMENICO SERAFINI, transferred from the Archbishopric of Spoleto. Titular Archbishopric of Cirrhus, for the Reverend Monsignor LODOVICO SZMRECSÁNYI, promoted from the titular church of Magido, appointed Coadjutor with future succession to the most eminent Cardinal Archbishop of Erlau (now succeeded). Metropolitan Church of Urbino, for the Reverend Monsignor GIACOMO GHIO, diocesan of Genoa, archpriest of Sori, and Domestic Prelate of His Holiness. Metropolitan Church of Genoa, for the Reverend Monsignor ANDREA CARÓN, promoted from the Cathedral Church of Ceneda. Titular Archbishopric of Cher sona, for the Reverend Father DONALDOLUIGI MACKINTOSH, General Vicar and Preposit of the Chapter of Glasgow, appointed Coadjutor with future succession to the Archbishop of Glasgow.

[*Latin ed. p. 699*]

Sacred Congregation of Councils.

699. Metropolitan Church of Bamberg, for the Reverend Father Giovanni Giacomo Hauck, parish priest of Saint Elizabeth in Nuremberg and Doctor of Sacred Theology. Titular Archbishopric of Palmyra, for the Reverend Monsignor Antoniosardi, promoted from the cathedral church of Anagni. Metropolitan Church of Toronto, for the Reverend Monsignor Nilo Mac Neil, transferred from the Archbishopric of Vancouver. Metropolitan Church of Vancouver, for the Reverend Monsignor Timoteo Casey, promoted from the cathedral church of Saint John in New Brunswick. Metropolitan Church of Porto Alegre in Brazil, for the Reverend Monsignor Giovanni Becker, promoted from the cathedral church of Florianopolis. Metropolitan Church of Otranto, for the Reverend Monsignor Giuseppe Ridolfi, transferred from the titular Archbishopric of Apamea. Archbishopric of Spoleto, for the Reverend Father Pietro Pacifici, general vicar of the Somaschi Fathers and rector of the Gallio College in Como. Titular Archbishopric of Cirro, for the Reverend Monsignor Gioachino Giu, promoted from the cathedral church of Fortaleza, or Cearà. SEPPE VIEIRA, Archbishopric of Athens, for the Reverend Father Ludovico Petit, of the Assumptionist Fathers. Archbishopric of Antivari, for the

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Reverend Father Nicolo Dobrecic, formerly a student at the Urban College, parish priest of Cettigne. Metropolitan Church of Corfu, for the Reverend Monsignor Domenico Darmanin, promoted from the diocese of Sira. Metropolitan Church of Tokio, for the Reverend Father Giovanni Pietro Rey, of the Foreign Missions of Paris. Archbishopric of Baghdad of the Syriac Rite, for the Reverend Father Mose Dallal. Titular Archbishopric of Amida, for the Reverend Monsignor Giacomo Duhig, promoted from the cathedral church of Rockhampton, appointed as Coadjutor with succession to the Archbishop of Brisbane. Titular Archbishopric of Farsalo, for the Reverend Monsignor Daniele Mannix, president of the College of Maynouth in Ireland, appointed as Coadjutor with the right of succession to the Archbishop of Melbourne. Cathedral Church of Salaria, for the Reverend Father Giovanni dei Conti Mikes de, of the diocese of Transylvania, where he is parish priest and archdeacon *foraneus* in the city of Székelyudvarhely. ZABOLA, of the Cathedral Church of Armenopoli, or Szamos-JJjvár, of the Greek-Ruthenian Rite, for the Reverend Monsignor Basilio Hossu, transferred from the episcopal see of Lugos of the same rite. United Cathedral Churches of Recanati and Loreto, for the Reverend Monsignor Alfonso Andreoli, transferred from the see of Montefeltro.

[*Latin ed. p. 700*]

700 Acta Apostolicae Sedis. - Official Commentary. The Cathedral Church of Loja in Ecuador, for the Reverend Father CARLO MARIADE LATORRE, canon theologian of the Archdiocese of Quito, Doctor of Sacred Theology and Canon Law. The Cathedral Church of Saint John of Cuyo in the Republic of Strasbourg, for the Reverend Father GIUSEPPE AMERICO ORZALI, parish priest of Saint Michael the Archangel in Buenos Aires. The titular Bishopric of Tebe, for the Most Reverend Monsignor VINCENZO PISANI, formerly Bishop of Anglona-Tursi. The united Cathedral Churches of Melfi and Rapolla, for Monsignor ALBERTOCOSTA, of Borgo S. Donnino, there a vicar general, professor in the Seminary, and canon of the Cathedral, Honorary Chamberlain of His Holiness, and Doctor of Sacred Theology. The titular Bishopric of Terme, for the Reverend Father GIUSEPPE MÉTREAU, archpriest of Saint Michael the Archangel in Bordeaux, auxiliary to the Archbishop of Tours. The Cathedral Church of Richmond, for the Most Reverend Monsignor DIONISIO I. O' CONNEL, transferred from the titular Bishopric of Sebaste. The Cathedral Church of Cheyenne, for the Reverend Father PATRIZIO LUIGI MC GOVERN, of the Diocese of Omaha, there rector of the cathedral church. The Cathedral Church of Guayaquil, for the Most Reverend Monsignor GIOVANNI MARIA RIESA, transferred from the Cathedral See of Porto Vecchio. The titular Bishopric of Sebaste, for Monsignor ADOLFODAVID, vicar general of Montpellier, auxiliary to the Most Reverend Cardinal de Cabrières,

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Bishop of that diocese. The Cathedral Church of Pasto in Colombia, for the Reverend Father LEONIDA MEDINA, canon of the Archdiocese of Bogota. The Cathedral Church of Des Moines in the United States of America, for the Reverend Father AGOSTINO DOWLING, rector of the Cathedral of Providence. The Cathedral Church of Valence, for the Reverend Father EMANUELE MARIA GIUSEPPE MARTIN DI GIBERGUES, of the Diocese of Paris, there Superior of the diocesan missionaries, Doctor of Sacred Theology and Canon Law. The Cathedral Church of Campeche in Mexico, for the Reverend Father VINCENZO CASTELLANOS, Secretary to the Archbishop of Durango. The titular Bishopric of Arindela, for the Most Reverend Monsignor GIUSEPPE ENRICO CONROY, vicar general of Ogdensburg and rector of that same Cathedral, auxiliary to the Bishop of that diocese. The Cathedral Church of Panama, for the Reverend Father GUGLIELMO ROJAS, priest of the Mission, apostolic administrator of that diocese. The titular Bishopric of Temno, for the Reverend Father MICHELE HIGGINS, of the Diocese of Tuam, there parish priest of Cummer, Doctor of Sacred Theology, auxiliary to the Archbishop of Tuam.

[*Latin ed. p. 701*]

Sacred Congregation of Councils. 701 Titular Bishopric of Martiropoli, for the Reverend Father VITTORE HORVÁTH, canon of the Metropolitan Church of Colocsa, Doctor of Sacred Theology, Auxiliary to the Archbishop of Colocsa. Cathedral Church of Termoli, for the Reverend Monsignor Rocco CALIANDRO, of the Diocese of Oria, there Vicar General, and canon theologian of the Cathedral, Doctor of Sacred Theology. Cathedral Church of Patti, for the Reverend Monsignor FERDINANDO FIANDACA, transferred from the Cathedral Church of Nicosia. Cathedral Church of Montefeltro, for the Reverend Father RAFFAELE SANTT, parish priest of Pieve di Budrio near Bologna, Doctor of Philosophy, of Sacred Theology, and of Canon Law. Cathedral Church of Mostar, for the Reverend Father Luigi Stefano MISIC, of the Order of Friars Minor of the Leonian Union. Titular Bishopric of Lirba, for the Reverend Monsignor ANTONIO PAPP, Apostolic Protonotary, canon of the Cathedral of Munkács, General Vicar of the same diocese, appointed Coadjutor with succession to the Bishop of Munkács Ruthenorum. (Successor). Cathedral Church of Cuernavaca, for the Reverend Father EMANUELE FULCHJERI, canon of the Metropolitan Church of Mexico and rector of the Seminary. Titular Bishopric of Clazomene, for the Reverend Father PATRIZIO T. RYAN, General Vicar of Pembroke, appointed Auxiliary to the same Bishop of Pembroke. Titular Bishopric of Lamo, for the Reverend Father GIOVANNI Me ÍNTYRE, canon theologian of the Metropolitan Church of Birmingham, Doctor of Sacred Theology, appointed Auxiliary to the same Archbishop of Birmingham. Titular Bishopric of Azoto, for the Reverend Monsignor GIOVANNI GIUSEPPE Me CORT, General

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Vicar of Philadelphia, appointed Auxiliary to the same Archbishop of Philadelphia. Titular Bishopric of Philippopolis, for the Reverend Father GIORGIO GAUTHIER, canon-parish priest of the Metropolitan Church of Montréal, Doctor of Canon Law, appointed Auxiliary to the Archbishop of Montréal. Cathedral Church of Antigonish, for the Reverend Monsignor GIACOMO MORRISON, Apostolic Administrator of Charlottetown and parish priest of Vernon River. Cathedral Church of Saint John in New Brunswick, for the Reverend Father EDOARDO LEBLANC, parish priest of Saint Bernard in the Diocese of Halifax. Titular Bishopric of Delco, for the Reverend Father ENRICO HAEHLINGDELAN, born in the Diocese of Treves, dean of the Chapter of Paderborn, appointed Auxiliary to the Bishop of Paderborn. ZENAUER, Cathedral Church of Le Mans, for the Reverend Father RAIMONDO DELAPORTE, parish dean of Notre-Dame in Versailles.

[*Latin ed. p. 702*]

702 Acta Apostolicae Sedis. - Official Commentary. The titular episcopal see of Uranopolis, for the Reverend Father DOMENICO CARREROT, of the Order of Preachers, appointed ordinary prelate of Conceição do Araguaia in Brazil. The cathedral churches of Penne and Atri, for the Reverend Father CARLO PENSA, rector of the Seminary of Arona. The cathedral church of Bagnorea, for the Reverend Father EMILIO POLETTI, archpriest of Menaggio in the diocese of Como. The cathedral church of Fortaleza, for the Most Reverend EMANUEL DASILVA GOMES, transferred from the titular episcopal see of Mopsuestia. The titular episcopal see of Titopolis, for the Reverend Father EDOARDO GIUSEPPE HANNA, of the diocese of Rochester, where he is a professor of theology in the Seminary, appointed auxiliary to the Archbishop of St. Francis in California. The titular episcopal see of Metellopolis, for the Most Reverend GIACOMO CARROLL, transferred from the cathedral see of Nueva Segovia. The cathedral church of St. Severus, for the Most Reverend GAETANO PIZZI, transferred from the cathedral see of Lacedonia. The cathedral church of Bressanone, for the Most Reverend FRANCESCO EGGER, transferred from the titular see of Laranda. The cathedral church of St. Peter, or Fort-de-France, in Martinique, for the Reverend Father GIUSEPPE MALLERET, of the Congregation of the Holy Spirit. The cathedral church of Guadalupe, for the Reverend Father LODOVICO PIETROGENOUD, of the Congregation of the Holy Spirit. The cathedral church of Kandy, for the Reverend Father BEDABEEKMEYER, of the Congregation of the Sylvestrines. The cathedral church of Nagasaki, for the Reverend Father CLAUDIO GIOVANNI COMBAZ, of the Seminary of Foreign Missions of Paris. The cathedral church of Sira, for the Reverend Father ANTONIO MACRIONITI, canon of the diocese of Smyrna, formerly a student of the Urban College. The cathedral church of Rockhampton,

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for the Reverend GIUSEPPE SHIEL, of the same diocese. The cathedral church of Gezira, of the Syriac rite, for the Reverend MICHELE MALGHE, of the same rite. The titular episcopal see of Agathopolis, for the Reverend Father CAMILLO CARRARA, of the Order of Friars Minor Capuchin, appointed apostolic vicar of Eritrea. The titular episcopal see of Botri, for the Reverend Father FRANCESCO AGUIRRE, of the Order of Friars Preachers, appointed apostolic vicar of Fo-kien. The titular episcopal see of Milasso, for the Reverend Father GIUSEPPE MARIA CARO RODRÍGUEZ, appointed apostolic vicar of Tarapacá in Chile. The titular episcopal see of Gordo, for the Reverend Father FERDINANDO TERRIEN, of the Seminary of Foreign Missions of Lyon, appointed apostolic vicar of the Coast of Benin.

[*Latin ed. p. 703*]

The Holy Congregation of Cardinals. 703. The titular bishopric of Dibon, for the Reverend Father Giuseppe Felice Blanc, of the Society of Mary, appointed Apostolic Vicar of Central Oceania. The titular bishopric of Oleno, for the Reverend Father Luigi Silva Lezaeta, of the Archdiocese of Santiago, pastor of Copiapo, appointed Apostolic Vicar of Antofogasta in Chile. The titular bishopric of Gargara, for the Reverend Father Giovanni Biermans, of the Society of Saint Joseph of Mill Hill, appointed Apostolic Vicar of Upper Nile. The titular bishopric of Curiibi, for the Reverend Father Paolo Dumond, of the Mission, elected Apostolic Vicar of the new maritime Vicariate of Ce-Li. The titular bishopric of Musti, for the Reverend Father Giovanni Efrember, of the Society of Mary, appointed Apostolic Vicar of the southern Solomon Islands. TREUX, the titular bishopric of Tipasa of Mauritania, for the Reverend Father Enrico Léonard, of the White Fathers, appointed Coadjutor with right of succession to the Apostolic Vicar of Unianembé in Central Africa. The titular bishopric of Patara, for the Reverend Father Niceto Budea, rector of the Seminary of Leopoli, appointed Bishop for the Ruthenians of Canada. The titular bishopric of Elea, for the Reverend Father Giovanni Ludovico Clerc, of the Mission, elected Apostolic Vicar of Eastern Kiam-Si. RENAUD, the titular bishopric of Tanagra, for the Reverend Father Pietro Salvatore Walleser, of the Minor Capuchins, elected Apostolic Vicar of the Marianas and Caroline Islands. The titular bishopric of Aretusa of the Syrian rite, for the Reverend Father Moses Arkis, appointed Patriarchal Vicar of the united Syrian dioceses of Horns-Hama. The titular bishopric of Dañaba, for the Reverend Father Domenico Tappuni, appointed Auxiliary to His Eminence Monsignor Ignazio Efrem II Rahmani, Patriarch of Antioch of the Syrians. The Cathedral of Sale, for the Reverend Monsignor Patricio Phelan, General Vicar of Melbourne. Subsequently, His Holiness, according to custom, addressed the newly created Cardinals. Then, petitions were presented to His Holiness for the granting of the sacred Pallium to the Metropolitan Sees of Sens, Urbino, Genoa, Bam-

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berg, Toronto, Vancouver, Portalegre in Brazil, Otranto, Spoleto, Guadalajara, Lyon, Colonia, Corfu, Athens, Antivari, and Tokio; as well as to Agria by succession, and to the Cathedral of Anagni by privilege.

[*Latin ed. p. 704*]

704 Acta Apostolicae Sedis. - Official Commentary. Finally, the Holy Father placed the Cardinal's ring on the aforementioned Cardinals and assigned: To the Most Reverend Cos YMACHO, the presbyteral title of Saint Mary of the People; To the Most Reverend Vico, the title of Saint Callistus; To the Most Reverend BAUP:R, the title of Saint Jerome of the Slavs; To the Most Reverend ALMARÁZYSANTOS, the title of Saint Peter in Montorio; To the Most Reverend NAGL, the title of Saint Mark. Having retired to his apartments, His Holiness received privately the aforementioned Eminences.

II. PROVISIONS FOR CHURCHES. Following the decrees of the subsequent Sacred Consistorial Congregation, the Most Holy Pope Pius X provided for the following churches, namely:

October 22, 1912. – He appointed the Reverend Edward Joseph Hanna as the titular bishop of the Titopolitan episcopal see, from the diocese of Rochester in America, where he was a professor in the seminary, and he appointed him Auxiliary to the Reverend Father Patrick William Riordan, Archbishop of Saint Francis in California.

October 26. – He appointed the Most Reverend James Carroll as the titular bishop of the Metropolitan see of Rome, who had previously been the Bishop of Nueva Segovia.

November 5. – He appointed the Most Reverend Caietan Pizzi as the bishop of the Cathedral Church of Saint Severus, who had previously been the Bishop of Lacedonia.

November 6. – He appointed the Most Reverend Francis Egger as the bishop of the Brixinense Cathedral Church, who had previously been the titular bishop of Laranda.

November 8. – He appointed the Most Reverend Joachim Joseph Vieira as the titular archbishop of Cyrene, who had recently been appointed titular bishop of Imeriensem.

APPOINTMENT OF A BISHOP. By Apostolic Brief, he appointed:

November 12, 1912. – The Reverend Father Patrick Phelan as the Bishop of Sale in Australia, the General Vicar of the diocese of Melbourne.

[*Latin ed. p. 705*]

Sacred Congregation of Rites. 705. SACRED CONGREGATION OF RITES. DECREE CONCERNING THE JUDICIAL ORDER TO BE OBSERVED IN CAUSES OF SERVANTS OF GOD PROCEEDING BY THE METHOD OF EXCEPTIONAL CASES. Since the ancient discipline, rightly

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and wisely established, which governed the handling of causes of Servants of God proceeding by the method of exceptional cases, had been gradually altered, and a new order, much easier and more expeditious, had been introduced; then His Holiness Pope Leo XII (Decree of December 20, 1826), and later His Holiness Pope Pius IX (Decree of December 10, 1868), mindful of the tenor of the General Decrees and the ancient practice of the Sacred Congregation, ordered that the former be religiously observed, and that the rigor, at least in part, be restored. However, experience has shown that, in cases of this kind, it is not only expedient, but absolutely necessary, that the utmost rigor of the judicial order be maintained and observed integrally: for since this order has adopted a more lenient form, it is not sufficient, in the judgment of prudent men, that the precautions which are to be used for the confirmation of devotion, equal to beatification, be applied; for the very gravity of the matter itself calls for such precautions. Nor is the simple preservation of an ancient and venerable devotion, the judgment of which fully belongs to the Ordinary, to be treated in the same way as the confirmation which is requested from the Apostolic See: and since that confirmation is equivalent to beatification, or, as it was customary for the ancients to say, is a beatification equivalent, the Servant of God whose devotion has been confirmed, is placed before the eyes of the faithful in a certain and notable degree of honor, which is next to the supreme honor of canonization. After maturely considering all these matters, and with the counsel of most prudent men, the Most Holy Pope Pius X decided to restore the ancient discipline for such causes, adding certain prescriptions for this purpose, so that the confirmation of devotion, which has the force of beatification, may always be based on solid and suitable foundations. Therefore, the same Most Holy Pope does not intend to bring any detriment to the rights of the Servants of God, whom His Holiness Pope Urban VIII exempted from his Decrees. However, with regard to the confirmation or approval of the devotion of these Servants of God requested from the Apostolic See, the following must be inviolably observed: 1. In all and every cause proceeding by the method of exceptional cases, with any other judicial order completely abolished, first of all, according to ACTA, vol. I, p. 21. — 2-12-912. 51.

[*Latin ed. p. 706*]

706 Acta Apostolicae Sedis. - Official Commentary. Usually, the writings of the Servant of God are diligently sought out and examined. Then, after a process initiated by the Ordinary concerning the reputation of the sanctity of the Servant's life, virtues (or martyrdom), and miracles, answers are given to the following questions: "Is there a constant and widespread reputation and belief regarding the holy life of the Servant of God (or regarding his martyrdom and the cause thereof), as well as regarding miracles attributed to his intercession? Is the cult of the Servant of God currently prac-

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ticed in that place, and with what observances is the Servant of God honored?" This information is then transmitted to the Holy Congregation and, after being opened according to the norms of law, a question is proposed in the ordinary congregation: "Should a Commission for the introduction of the cause be appointed, based on the explicit will of three consultants, whose opinion the Secretary of the Holy Congregation of Rites will present in the ordinary congregation?" Once the Commission is appointed, letters of referral are sent to those chosen by the Holy Congregation to instruct the apostolic process regarding the cause in question and to render a judgment. Once the process has been transmitted to the Sacred Congregation and opened, and after the patron of the cause has compared his position with the observations of the Promoter of the Holy Faith and the responses of the patron himself, a question is proposed in the ordinary congregation: "Should the judgment of the delegated judge be confirmed?"

2. The process must demonstrate both the beginning of the cult and its continuous observance up to the judgment of the delegated judge.

3. Historical documents, handwritten, autograph, and printed, which prove the antiquity of the cult and its continuous observance, must be transmitted to the Sacred Congregation so that they may be examined by experts; in the case where they cannot be transmitted to the Holy Congregation, they must be examined by experts of the Holy Congregation where they are kept.

4. If the judgment regarding the cause is favorable and approved by the Supreme Pontiff, letters of referral are sent to the process regarding the virtues or regarding the martyrdom and its cause, according to the nature of the causes. This, also being transmitted to the Holy Congregation and opened, and its validity being approved, a question regarding the virtues or regarding the martyrdom and its cause is proposed in three Congregations, namely the preparatory, the preparatory, and the general, as is done in causes proceeding through the non-cult route.

5. After the Decree is issued, if it pleases the Supreme Pontiff, regarding the heroic virtues or regarding the martyrdom, and regarding the memorable cult, the Servant of God is declared to be equivalently beatified, and only then is there a place for the Office and the Mass, which cannot be granted except to those Servants of God who have been honored with the beatification, whether formal or equivalently, as it is called.

6. On the occasion of the confirmation of the cult, those who are interested, during the first year from the confirmed cult, beginning from the day of the publication of the Decree, in the church in which

[*Latin ed. p. 707*]

Page 707. Congregation of Rites. It is to be observed that the body of the Servant of God, or the Servant of God himself, is to be venerated with spe-

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cial devotion, and that the triduum should be solemnly celebrated. In the process of beatification, all matters should be considered as in the causes of Servants of God proceeding through the ordinary way, not through the way of cult. However, four miracles are required after the granting of veneration. And thus, the Most Holy Father judged it fitting and decreed, and commanded me, the undersigned Secretary, to refer the present Decree to the records of the Sacred Congregation and to see to its publication in the acts of the Apostolic See, this 11th day of November, 1912. So it is permitted. L. 8.

Most Reverend Father, Most Reverend Cardinal Martinelli, Prefect.

Peter La Fontaine, Bishop of Charyste, Secretary.

SACRED CONGREGATION FOR EXTRAORDINARY ECCLESIASTICAL AFFAIRS.

DECLARATION REGARDING CERTAIN PAMPHLETS PUBLISHED IN HISPANIA.

From an audience of the Most Holy Father, on the 29th of November, 1912.

Since the Sacred Congregation for Extraordinary Ecclesial Affairs has inquired whether the opinions and conclusions presented in the pamphlets "4. Can one, in conscience, belong to the liberal-conservative party? Letters to a young Catholic by the Master of Seville," and "¿Cuál es el mal mayor y cuál el mal menor? by the Master of Seville," (Bilbao: Printed and Published by the Editorial Vizcaína), and other writings of the same author, are entirely in accordance with the mind of the Holy See, the Most Blessed Father, after having carefully considered the matter, at the request of the undersigned, Pro-Secretary of the aforementioned Sacred Congregation, ordered that the following be answered: Negatively; and that they are, in many respects, contrary to the word and the writings, as well as to the spirit of the documents of the Holy See, and especially to the Norms, transmitted by the mandate of His Holiness, in the letter from the Eminence Cardinal Secretary of State to the Eminence Archbishop of Toletanum, of the 20th of April of the preceding year; which Norms are fully and clearly...

[*Latin ed. p. 708*]

708 Acta Apostolicae Sedis. — Official Commentary. These include doctrines with Pontifical documents addressed to Catholics on the tenth day of February, 1906, and other acts of the Holy See pertaining to this matter, which must be religiously and inviolably observed by all Catholics in Hispaniae. And thus, His Holiness commanded that these be written and published, to the exclusion of all that might be contrary. Given in Romae,

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from the Secretariat of the aforementioned Sacred Congregation, on the day, month, and year mentioned above. Eugenius Pacelli, Pro-Secretary. MASSILIEN. NULLITY OF MARRIAGE (CASTAGNIER-MONIER). During the happy reign of Pope Pius X, in the tenth year of his Pontificate, on the 10th of August, 1912, the Most Reverend Fathers, Doctors Ioannes Prior, Ponens, Aloisius Sincero, and Iosephus Mori, Auditors *de turno*, in the case of "Massiliensi. - Nullitatis matrimonii," between Iosephus Castagnier, the plaintiff, represented by a procurator appointed ex officio, against Hectorem De Angelis, and Agnetem Monier, who was present and argued in the case, rendered the following final judgment. Iosephus Castagnier, on the 19th of December of the year 1896, in the church of S. Canati in the city of Massiliensi, validly contracted marriage, from which offspring was born in the second year of the marriage. However, the cohabitation between the spouses was not peaceful, and in the fourth year after the marriage, the woman petitioned a secular court for divorce, which she obtained, with an order made by the judge that the husband should provide her with alimony as long as she remained unmarried. She later became civilly joined to another man, and D. Castagnier, in order to obtain freedom from the bond, accused his marriage with Agnete Monier of nullity before an ecclesiastical judge, alleging various reasons, namely, force and fear, lack of consent, and lack of the sacrament on the part of the woman. The Massiliensi Tribunal rendered a judgment in favor of the validity of the marriage on the 9th of May, 1908. An appeal having been interposed by the plaintiff, the question is now presented to us under the doubt: Does a nullity of marriage exist in this case?

[*Latin ed. p. 709*]

St. Bonaventure, *Doctor Seraphicus*. 709. Regarding each instance of nullity alleged by the plaintiff, it must be considered separately, and first, the matter of force and fear. 1. It is well known from the Decretals, in titles 14, 15, and 28, concerning Marriages, that a marriage entered into under fear is, at least in ecclesiastical law, invalid. This fear, as the authors unanimously teach, must be grave, unjust, and imposed in order to extort consent to the marriage. It suffices that the fear be relatively grave, i.e., grave for the person experiencing the fear, which can be determined by considering the nature of the person experiencing the fear, their age, sex, education, etc.; from their resistance, and from the means they had or lacked to avoid the grave harm threatening them, preventing them from consenting to the marriage; also taking into account the nature and manner of the one instilling the fear, as taught by the Instruction of the Holy Office of June 20, 1883. Reverential fear, which is felt when the one fearing anticipates harm from the one in power, is of its own nature mild, but it can become grave either due to added threats, or beatings, or persistent and urgent entreaties; or even, in the absence of these, due to the indignation of the father, master,

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etc., which the one experiencing the fear believes will be long-lasting, and which is apprehended as a grave evil that cannot be avoided except by consenting to the marriage. No trace of fear is present in this case. The mother of the bride, from whom the plaintiff claims the fear originated, approved of the marriage, which seemed to offer a prospect of happiness for her daughter. However, the very purpose of entering into the marriage did not originate from the mother, but was directly communicated by the plaintiff to Agnes, and accepted by her, without the mother's intervention. This purpose was provoked by the woman herself through signs of trust and budding affection, which she displayed to the man. The plaintiff testifies: "Mademoiselle having shown me that she was experiencing 'heartaches' due to a disappointment regarding a marriage that had not been able to take place, I was moved by this sadness, and I began discussions for our marriage, which she accepted. Thus, in the ceremonies of the marriage, she gave her consent. I must add, however, that if I made the first overtures, it was because I was truly moved by her pain and her outward signs of trust." Lady Ludovica Gastagnier, wife of the brother of Joseph, testifies that Agnes also made efforts before the marriage to be pleasing and acceptable to the parents of the future spouse. "Mademoiselle, in order to be well-regarded by the parents of her future husband, began to perform certain outward acts of piety, which were intended to predispose them favorably towards her. For example, she went with the family to Notre-Dame de la Garde," etc. These signs of trust, shown by Agnes to the man,

[*Latin ed. p. 710*]

710 Acta Apostolicae Sedis. - Commentarium Officiale. Furthermore, the desire to please the parents, as evidenced by her own actions, indicates that she willingly approached the marriage. A certain general assertion recurs in the testimonies of the witnesses, which is rather a declaration of opinion than a narration of facts, namely that Agnes Monier consented to the marriage under the influence of her mother; however, this declaration of opinion is explained in such a way as to exclude any serious and unjust coercion. Indeed, Agnes Monier was of such an absolute and independent character that she could not have been moved against her own will by her mother. Thus, the father of the plaintiff states: "The woman (Agnes Monier) has a stubborn and independent character." Paul Bougat states: "She was cold, indifferent, and of a difficult character." Caelestina Bougat, the bride's sister, testifies: "She is very authoritarian, and very mean, lively, and quick-tempered. On the day of the wedding, when her husband inadvertently stepped on her white dress, she threatened him with a table knife, a gesture which clearly demonstrates the liveliness of her character." Joanna Conte-Castagnier, the plaintiff's sister, who in her sworn deposition expressed the opinion that the woman's consent was vitiated by coercion employed by her mother, gives a reason for this opinion, which

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demonstrates that it is entirely unfounded: "What makes me believe this is what happened later. After my sister-in-law had lived with her husband for several years, and with a child still living, she was so influenced by her mother that she pursued divorce proceedings." And further questioned by the Defender of the Bond, "You say that the influence of Madame Monier, the mother, on her daughter, could very well have led her to the marriage. But has there in fact been any pressure, of which you can give precise proof: threats... repeated reproaches for not being a good daughter... for not loving her parents?" she replied: "I do not believe that Miss Inès would have been susceptible to such reproaches; but since she was very coquettish, she loved parties, balls, and pleasures, her mother certainly pointed out to her that she would have to give up all of this if she married her Greek husband without fortune. On the contrary, my brother earned money, was very good, and seemed very fond of her; he would provide her with money, would not contradict her, and she could thus continue the pleasant life she had led up to that point. It is in this sense that I believe that Madame Monier exerted pressure on her daughter." However, such persuasions, in which the benefits derived from marriage are explained, do not imply coercion, but rather are counsels, which, if they concern true benefits, are not only permissible, but even commendable, when given by parents. Not a single word is found in the testimonies of the witnesses about threats, beatings, importunate prayers of the mother, or any such indignation.

[*Latin ed. p. 711*]

Bofana, aged 711, who, as a grave evil scarcely to be avoided, threatened the daughter who was resisting marriage. Indeed, almost all testify that she truly and freely consented. Emma Durbec says: "I do not believe that her 'mother' forced her into this marriage, but that she certainly 'encouraged' her." The father of the plaintiff says: "I believe that Miss Inès also gave her 'consent'." Ludovica Castagnier says: "I do not, however, believe that 'this influence was such that it vitiated the consent of Miss Inès, to the point that it is not valid. She was influenced, 'pressed' by her mother, but she herself decided to give 'a true consent'." The sister of the bride, Caelestina Bougat, testified: "I add that the influence exerted by my mother on my sister at the time of the marriage was not such that it took away her freedom. It is a matter of 'a simple moral influence'." The woman, though stubborn, in a letter sent to the instructing judge, opposed the declaration of nullity of the marriage. Since it was manifestly written out of hatred for the man who had abandoned her, it is of no value; otherwise, it does not present facts that can be alleged either for or against the marriage. The events that followed the marriage confirm the testimonies of the witnesses regarding the freely given consent of the woman: namely, the consummation of the marriage, the birth of a child, and cohabitation for four years. Finally, the causes of the separation of the spouses were not based on the alleged fear, but, as

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the witnesses produced by the plaintiff report, on the disappointment of the woman, who had imagined the husband's wealth to be greater than it actually was. Joseph Estienne testifies: "Mr. Castagnier told me that it was his wife who 'did not want to stay with him, having realized that the financial situation of Mr. Castagnier did not correspond to her hopes'." Similarly, Emma Durbec, the father of the plaintiff, and Caelestina Bougat.

2. After the above testimonies regarding the true consent given by the woman in entering into the marriage, it seems almost unnecessary to discuss the second point of the accusation of marriage, namely, the lack of internal consent. Certainly, a marriage is null if internal consent is lacking, as is clear from the very nature of the contract, which is perfected by consent, as taught by Innocent III, in chapter 26, on betrothals. "If it happens that he did not 'propose to take her as his wife, nor ever consented to the 'matter concerning this person, then a marriage should not be 'judged to have taken place, since neither the 'substance of the marital contract, nor the 'form of contracting marriage can be 'found; because on the one hand, only 'deceit was present, and on the other hand, 'there was absolutely no consent, without which 'the marital agreement cannot be perfected" (cf. Coscius, De sep. thori, lib. I, cap. 8, n. 96 et seq.).

[*Latin ed. p. 712*]

712 Acta Apostolicae Sedis. - Commentarium Officiale. Sánchez, book II, section 25, paragraphs 2 and 3). A simulated consent in marriage is difficult to prove, for, as the axiom states, that which is acted upon is of greater weight than that which is merely conceived in simulation. And, according to Sánchez, it becomes impossible if, as in our case, there is a lack of the confession of the spouse who is alleged to have given simulated consent. "Other impediments," he says, "can be proven by another means, since 'they are external'; but dissent, since it lies hidden in the heart, cannot be proven by any other means than by the confession of the spouse, although other conjectures may be employed" (book II, section 45, paragraph 13). Having the confession of the one simulating consent, it is furthermore required to prove the simulation that the cause of the simulation be established (Coscius, book I, chapter 8, paragraph 100; Rota, decree 13, paragraph 6, part 19, volume 2); and this cause must be such that it cannot, at least in the opinion of the one simulating, be reconciled with true consent; and it is necessary to add even slight conjectures to complete the proof. From the records, it is not established what the cause of the simulation was, and there are also lacking conjectures that are truly similar to prove the simulation. The cause that is presented, namely that the woman sought only the true or supposed wealth of the man, as several witnesses testify, can be perfectly reconciled with true consent, as often happens in marriages, and there is nothing that suggests that she thought otherwise. For marital consent is not given dependently on the cause for which the

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marriage is contracted, but it is conjoined with it (Wernz, paragraph 304, edition 1911). She who marries a man because he is rich, when in reality he is not rich, is deceived about a quality accidental to the marriage contract, which was the cause of the contract, but it has not entered into the essence of it, and therefore leaves the essence of the marriage intact. 3. Regarding the third part of the accusation of marriage, namely, the defect of the sacrament, it must be noted in law that the intention against the good of the sacrament, or the perpetuity of marriage, in giving consent, renders the marriage null. Sánchez says, book 2, section 29, paragraph 1, explaining the common doctrine: "If he had in his mind, even held in his heart, an intention contrary to the good of the sacrament, because he certainly intended not to enter into marriage except for a time, it would not be a true marriage; if, however, he had an intention contrary to the other two goods of marriage, held only in his heart and not expressed in the agreement, it would certainly be valid..." "The first part is proven, because marriage is of the nature of a perpetual bond; as is established by its definition given in this book, 2, section 1, paragraph 1. Therefore, he who 'intends to enter into a dissoluble and temporary marriage, does not truly intend marriage, since the intention is contrary to the essence.'"

[*Latin ed. p. 713*]

Saint Roman Code. 713 The following are alleged to have been in the mind of Agnes Monier, contrary to the good of the sacrament, at the time of the celebration of the marriage; a letter written by the mother to the sister of Agnes before the marriage, in which she says: "She would do everything she could to persuade him (to marry Joseph Castagnier), and, moreover, if she were still thinking of the first young man she had frequented, the divorce would not have been arranged for nothing." The testimony of the actor: "From the first days of the marriage, my wife showed me almost daily a great aversion, even saying to me these very words: "I hate you, I detest you, and you do not understand that I want my freedom, and that I married you only to divorce and have a pension." These words were followed by outbursts, in which she slapped me and mistreated me." And Paul Bougat: "She (Agnes) is said to have said to my wife one day these words: - I cannot say whether it was before or after the marriage. - "My mother told me: you can marry, I will get you divorced as soon as possible." These, however, are far from providing full proof of an intention contrary to the good of the sacrament. The words of the woman, reported by the actor, even if they were attested by another, in this inquiry into the woman's intention before the marriage, would have to be considered insignificant, because in a conflict arising after the marriage, from the heat of anger and the desire to injure her husband, they were uttered; in such cases, it is not presumed that the woman is paying attention to the truth, but only to indulging in the passion of anger, even at the expense of the truth. The mother's intention,

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revealed in the letter to the sister of Agnes, shows the mind of the mother herself, not of the daughter Agnes. The same can be said of the deposition of Paul Bougat. The sister of Agnes, who received the aforementioned letter, was asked: "Do you know if she (Agnes) had the intention of divorcing immediately after the marriage, only seeking to have a pension assigned to her?" She replied: "I do not know if my sister was influenced by my mother in this matter. I do not have the confidence of my sister on this subject." Furthermore, various presumptions contrary to the truth emerge from the records. The woman had no reason to doubt, when entering into the marriage, that she would be able to enjoy the husband's supposed wealth in married life. The causes of the separation of the spouses, as we have said above, are based on the woman's disappointment regarding the husband's wealth, which she suffered after the marriage. Finally, Agnes Monier petitioned the civil court for a divorce, not spontaneously, but persuaded by her mother, as almost all witnesses testify, with no one contradicting. All of this indicates that she did not have a pre-existing intention of abandoning her husband before the marriage.

[*Latin ed. p. 714*]

Acts of the Apostolic See. - Official Commentary. 714 After all matters have been thoroughly considered, both in law and in fact, and invoking the name of Christ, We, the undersigned Auditors from Tournon, sitting for the tribunal and with only God before our eyes, decree, declare, and definitively pronounce, answering the proposed question in the negative, that is to say: that there is no basis for declaring the marriage null in this case. Thus we pronounce, ordering the Ordinary of the place and the officials of the tribunal to whom this pertains, to enforce this our definitive judgment and to proceed against those who resist, according to the sacred canons, especially chapter 3, session XXV, of the Council of Trent, employing those executive and coercive means which may prove more effective and appropriate for the circumstances. In Rome, at the seat of the Sacred Roman Rota Tribunal, on the 10th of August, 1912. John Prior, Presiding. Aloysius Sincero. Joseph Mori. Sac. T. Tani, Notary. SECRETARY OF THE STATE LETTER. I. TO THE Reverend Father and Most Reverend Bishop B0UG0Ü1N, of PETROCORICENSEM and SARLATENSEM, as a token of filial obedience, presented by letter on the occasion of the Third Diocesan Congress. Monsignor, His Holiness Pope Pius X received with pleasure the letter that Your Eminence was kind enough to address to him recently, along with a copy of the main works of the Second Diocesan Congress of Catholic Works that you have just held in Sarlat. His Holiness is pleased above all to congratulate you on the fortunate choice of the questions discussed during those days of study, and whose dominant idea was the "confessional nature of the works." And since the Catholic works are such, not only in name, but in fact, by the spirit that animates them, the doctrines

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they profess, and the morality they practice, it was supremely opportune to recall what this spirit, this doctrine, and this morality consist of.

[*Latin ed. p. 715*]

Secretariat of State. 715. This is what the illustrious President of the Union of Rural and Workers' Savings Banks of France, Mr. Durand, accomplished with true mastery, in a discourse that was both very comprehensive, very precise, and very clear, concerning social works. It presents a complete and illuminating synthesis of the papal teachings on the social question: each part is based on solid principles of reason, as well as on the authority of the Church; the arrangement of the parts within the whole allows them to illuminate each other and to lend each other a striking clarity, while also establishing the true measure of each, apart from the exaggerations that certain one-sided tendencies may have introduced in various directions. The Holy Father earnestly desires that this fine work be disseminated and popularized, for He considers it capable of exerting a very beneficial influence on social studies among Catholics. After social works, the so-called "Youth" works have also rightly concerned you. The purpose of these works is undoubtedly to prevent young people from abandoning the faith, but above all, to ensure that they become Christians, living and conquering Christians: they are therefore, by their very nature, supernatural, and consequently, the means employed by the director must also be supernatural. This is what another of your speakers clearly and appropriately established. And after thus combating that kind of confessional neutrality that is sometimes allowed to creep into so-called Catholic works, where the aim seems to be to embrace as many people as possible with as few supernatural conditions as possible, he had no difficulty in establishing the principles that should govern the use in Youth Works of certain human elements, such as sports and theater, which were the direct subject of his presentation. He clearly demonstrated that these elements should only be introduced where the pursuit of the supernatural goal requires it, and then with the accessory character that is appropriate for them, and within the strict limits in which they can be useful; moreover, with prudence, due to the disadvantages that are usually associated with them. The Holy Father expresses his wishes that these principles, which are so in conformity with the truth and so wise, be applied in all Youth Works. May the works of this III Congress, Your Excellency, undertaken and developed in a spirit of fidelity to the teachings of the Holy See, be crowned, through the intelligent cooperation of the clergy and the faithful, with practical and abundant fruits for the Catholic cause in your diocese. As a pledge of these happy results and of divine favors.

[*Latin ed. p. 716*]

716 Acta Apostolicae Sedis. - Commentarium Officiale. Sa Sainteté re-

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nouvelle de tout cœur la bénédiction apostolique à Votre Grandeur, au clergé et aux fidèles confiés à sa sollicitude pastorale. Je saisis avec empressement cette occasion pour vous réitérer, Monseigneur, l'assurance de mes sentiments très dévoués en Notre-Seigneur. Rome, le 29 juillet 1912. R. CARD. MERRY D E L VAL. IL AD R. D. CANONICUM E. JANVIER, PRO GRATIARUM ACTIONE DE X VOLUMINE CONFERENTIARUM IN ECCLESIA CATHEDRALI PARISIENSI HABITARUM BEATISSIMO PATRI REVERENTER OBLATO.

Mon Révérend Père,

Après avoir agréé l'année passée l'hommage du IX volume de vos Conférences de Notre-Dame de Paris, et vous avoir félicité de votre exposé si doctrinal de « l'objet » et des « actes » de la foi, le Souverain Pontife vous remercie de l'hommage que vous Lui faites de nouveau, cette année, de votre X volume, traitant de la vertu de foi et des vices qui lui sont contraires. Sa Sainteté se réjouit de la haute maîtrise d'un enseignement donné avec vaillance à la lumière de l'Ange de l'École et des grands Scholastiques.

Soit que vous étudiiez la vertu de foi, cette faculté surnaturelle, don gratuit de la Bonté incréée, qui élève l'intelligence au-dessus des choses terrestres et la fait adhérer à la Vérité infinie; soit que vous scrutiez la gravité des vices qui affaiblissent ou détruisent la foi; soit que vous décriviez le zèle miséricordieux de l'Église pour le salut des infidèles et son attitude à la fois douce et ferme à l'égard de ceux qui la trahissent, vous vous préoccupez de dissiper l'ignorance et les préjugés, en enseignant sans atténuation et amoindrissement la pure doctrine de la tradition catholique.

Le Saint-Père vous en manifeste Sa haute satisfaction, et souhaitant que votre apostolat soit de plus en plus fécond en fruits de salut, comme gage de Sa paternelle affection, Il vous accorde à vous-même et à vos auditeurs la bénédiction apostolique.

Je suis heureux, mon révérend Père, de vous exprimer en même temps mes remercîments personnels pour l'exemplaire que vous avez eu la gracieuseté de m'adresser, et je vous prie d'agréer, avec mes vœux sincères, l'expression de mes sentiments bien dévoués en Notre-Seigneur.

Rome, le 19 novembre 1912.

rae R. CARD. MERRY D E L VAL.

[*Latin ed. p. 717*]

Diary of the Roman Curia, 717. DIARY OF THE ROMAN CURIA, SACRED CONGREGATION OF RITES. ORDINARY AND PARTICULAR CONGREGATION. On November 12, 1912, in the Apostolic Palace of the Vatican, the Ordinary and Particular Congregation of the Sacred Rites was held, in which the following causes were presented for the judgment of the Most Eminent and Reverend Lords Cardinals who comprised the same:

1. Concerning the validity of the Apostolic processes constructed in six

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dioceses regarding miracles, specifically those which are asserted to have been wrought by God through the intercession of the Venerable Ludovica de Marillac, widow Legras, Co-foundress of the Daughters of Charity.

2. Concerning the validity of the Apostolic and ordinary processes, constructed in the curia of Nocera dei Pagani, for the cause of beatification and canonization of the Venerable Cesare Sportelli, professed priest of the Congregation of the Most Holy Redeemer.

3. Concerning the validity and significance of the Apostolic process, constructed in the curia of Malta, regarding the general reputation for holiness of the Venerable Ignazio Falzon, secular cleric.

4. Finally, concerning the cult, in obedience to the decrees of Urban VIII, which has never been paid to the Venerable Servant of God, Maria Agnese Chiara Steiner, of the Sacred Order of Jesus, Foundress of the reformed Poor Clares in the Monastery of St. John the Baptist in Nocera.

ANTI-PREPARATORY CONGREGATION. On November 19, 1912, before the Most Eminent and Reverend Lord Cardinal Vincenzo Vannutelli, Prefect, the Anti-Preparatory Congregation of the Sacred Rites was held, in which the Reverend Prelates, Officials, and Theological Consultors discussed and gave their vote concerning two miracles, attributed to the intercession of the Blessed Theophilus of Corte, professed priest of the Order of Friars Minor; which miracles are proposed for his canonization.

SECRETARY OF STATE. BY ORDER. With a note from the Secretary of State, the Holy Father deigned to appoint:

November 16, 1912. — The Most Eminent Lord Cardinal Diomede Falconio, Protector of the Institute of the Sisters of the Third Regular Order of St. Francis, who have their motherhouse in Allegany, New York, in the diocese of Buffalo.

[*Latin ed. p. 718*]

718 Acta Apostolicae Sedis. — Official Commentary. November 25th. — Monsignor Eugenio Pacelli, Pro-Secretary of the Sacred Congregation for Extraordinary Ecclesiastical Affairs, Consultant of the Sacred Congregation of the Holy Office. November 26th. — His Eminence Cardinal Mariano Rampolla del Tindaro, Librarian of the Holy Roman Church. November 28th. — Monsignor Giuseppe Pizzardo, Minute-taker at the Secretariat of State for the section of Extraordinary Ecclesiastical Affairs. — Monsignor Enrico Gasparri, Auditor of the first class of the Nunciature, destined for the Apostolic Nunciature in Brazil. — Monsignor Emanuele de Sarzana, Auditor of the second class of the Nunciature, destined for the Apostolic Nunciature in Belgium. — Monsignor Lorenzo Schioppa, Secretary of the first class of the Nunciature, destined for the Apostolic Nunciature in Bavaria. — Monsignor Giuseppe Apap-Bologna, Secretary of the second class of the Nunciature, destined for the Apostolic Nunciature in

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Spain. With letters from the Secretariat of State dated December 2, 1912, the Holy Father deigned to assign the following Sacred Congregations to the new Most Reverend and Most Reverend Lords Cardinals who received the Cardinal's hat in the Consistory of the same day: To His Eminence Cardinal Maria de Cos y Macho, Archbishop of Valladolid, the Sacred Congregations of the Sacraments and of Studies. To His Eminence Cardinal Antonio Vico, the Sacred Congregations of Rites and Ceremonial. To His Eminence Cardinal Francesco Bauer, Archbishop of Olmütz, the Sacred Congregations of the Index and Ceremonial. To His Eminence Cardinal Enrico Almaráz y Santos, Archbishop of Seville, the Sacred Congregations of the Sacraments and of Religious Orders. To His Eminence Cardinal Francesco Nagl, Archbishop of Kos, the Sacred Congregations of Propaganda Fide for affairs of the Oriental Rite, and of Studies. With Apostolic Briefs, the Holy Father deigned to appoint: Apostolic Protonotary *ad instar participantium*: November 4, 1912. — The Reverend Ernesto Neveux, General Vicar of the Archdiocese of Rheims. Prelates Domestic to His Holiness: November 4, 1912. — The Reverend Teofilo Roucourt, of the Archdiocese of Malines. — The Reverend Paolo Lejeune, Archpriest-Parish Priest in the Archdiocese of Rheims.

[*Latin ed. p. 719*]

Diarium Romanae Curiae. November 5, 719. — The Reverend Matthew Brodie, General Vicar of the diocese of Auckland in New Zealand. November 6. — The Reverend James F. Trainor, General Vicar of the Archdiocese of Philadelphia. November 8. — The Reverend Charles Rabbia, Archpriest of Gavi, in the Province of Genoa. By letters from the Secretariat of State, the Holy Father deigned to appoint:

Secret Chamberlains, honorary and supernumerary: October 25, 1912. — Monsignor Andrea Berzi, of the Patriarchate. — Monsignor Basilio Moussa, Rector of the Seminary of Tatha. — Monsignor Francesco Bistauros, General Vicar of the diocese of Ermopoli. October 31. — Monsignor Carlo Grossauer, of the diocese of Gratz. November 13. — Monsignor Nicholas Frazioli, Pro-General Vicar of the Archdiocese of Sassari. — Monsignor Luigi Walcher, of the diocese of Linz. November 21. — Monsignor Francesco Schumacher, of the diocese of Münster. November 22. — Monsignor Joseph Grieser, of the diocese of Rottenburg.

Honorary Chamberlains in peacock blue: October 28, 1912. — Monsignor Anthony Pixa, of the diocese of Budweis. October 30. — Monsignor Alexander Fibiger, of the diocese of Szathmar. — Monsignor Luigi Wolkenberg, of the same diocese. October 31. — Monsignor Emericus Sandula, of the diocese of Vacia.

Honorary Chamberlain *extra Urbem*: November 14, 1912. — Monsignor Luigi Rabanser, of the diocese of Trento.

Honorary Secret Chaplain: November 20, 1912. — Monsignor Bernard

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Nienhaus, of the diocese of Münster.

Honorary Chaplain *extra Urbem*: November 20, 1912. — Monsignor Bernard Consolati, of the diocese of Sanseverfno.

Secret Chamberlain of Sword and Cape, honorary and supernumerary: October 30, 1912. — The Right Honorable Count John Tarnowski, of the diocese of Przemysl.

[*Latin ed. p. 720*]

720 Acta Apostolicae Sedis. ~ Official Commentary. HONORS. By Apostolic Brief, the Holy Father deigned to bestow the following honors: The Grand Cross of the Order of Saint Gregory the Great, civil class. November 15, 1912. — To Mr. Ferdinand Maria de Ibarra, of the diocese of Victoria. The Commander's Cross with plaque from the Order of Saint Gregory the Great, civil class: November 6, 1912. — To Mr. Knight Carlo Tobisch, of the archdiocese of Prague. The Plaque of the Order of Saint Gregory the Great: November 14, 1912. — To Mr. Baron Commander Otto de la Vallette, residing in Düsseldorf. The Commander's Cross of the Order of Saint Gregory the Great, civil class: November 8, 1912. — To Mr. William Tourneau, of the diocese of Paderborn. November 14. — To Mr. Knight Arturo Hauth, of Düsseldorf. The Commander's Cross of the Order of Saint Sylvester: November 7, 1912. — To Mr. Wenceslaus Smichovsky, of Prague. The Knighthood of the Order of Probus: November 4, 1912. — To Mr. Armando Houitte de la Chesnais, of the archdiocese of Rennes. The Knighthood of the Order of Saint Gregory the Great, civil class: November 6, 1912. — To Mr. Francis Hansl, of the archdiocese of Prague. November 7. — To Mr. Eugene Erdösi, of the archdiocese of Strigonia. The Knighthood of the Order of Saint Sylvester: November 6, 1912. — To Mr. Anthony Materka, of the archdiocese of Prague. "NECROLOGY. May 27, 1912. — Monsignor Rogaziano Giuseppe Martin, titular Bishop of Uranopolis, Apostolic Vicar of the Marquesas Islands. November 27. — Monsignor Raphael Sandrelli, titular Bishop of Comana. — Monsignor Giuseppe Maria di Gesù Portugal, Bishop of Aguascalientes.

[*Latin ed. p. 721*]

Year IV. - Volume IV. December 30, 1912. No. 22. ACTA APOSOLICAE SEDIS. OFFICIAL COMMENTARY. ACTS OF POPE PIUS X. APOSTOLIC LETTER. CONSTITUTION ESTABLISHING THE ARCHICONFRATERNITY OF THE PIUS SOCIETY DEDICATED TO BLESSED MARY, VIRGIN OF COMFORT, IN AUGSBURG, WITH THE FACULTY OF ADDING PIOUS SOCIETIES UNDER THAT NAME THROUGHOUT THE WORLD. PIUS PP. X. For the perpetual memory of this event. - The temple of the Virgin of Comfort, which exists in Augsburg, is known to no one as one of the most important sanctuaries, not only of the Piedmont region, but of the entire Catholic world, and it can rightly and deservedly be

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so considered. There, the faithful have, from ancient times, venerated the Virgin, Consoler of the afflicted and Intercessor for all graces with God, and crowds from distant regions constantly flock to the feet of the miraculous image, never ceasing their sacred pilgrimages. We, indeed, have adorned the same sacred building with the title of a minor Basilica, moved both by the ardent charity we feel for the Virgin, and by the desire to, as far as it is in our power, stir up the piety of the Christian people and their love for the Virgin herself, and to increase the splendor and majesty of this most celebrated sanctuary. Therefore, we received with joy the report from our beloved son, Joseph Alternano, canon, prefect of the Society under the title of the Virgin of Comfort, canonically erected in the aforementioned Basilica, concerning the flourishing growth of that same Society. The aforementioned prefect informs us that the Society in question was properly established as far back as the sixteenth century, but was restricted in the number of members of both sexes according to the old regulations; after a suitable modification of the constitutions and the addition of a special section, with the approval of the Cardinal.

[*Latin ed. p. 722*]

722 Acta Apostolicae Sedis. - Official Commentary. In the year 1903, the Archbishop completed a process by which all the faithful, of every age and condition, even the deceased, could join this association. The number of members has grown so much that at present, there are fifty thousand enrolled in it. The Moderator adds that this Society, newly reformed, has been confirmed by Pope Leo XIII, our predecessor, through a Decree of Indulgences issued by the Congregation on May 17th of the same year, confirming all and each of the indulgences and privileges that the old Society, before the reform of its rules, legitimately enjoyed, thanks to concessions granted to it by our predecessors, the Roman Pontiffs. And now, as the reputation of this Society grows happily throughout the Catholic world, many Societies, canonically founded under the title of the Virgin of Consolation, are eager to participate in the privileges and indulgences enjoyed by the Society of Turin. Based on these reasons, when the aforementioned canonical president asks us to promote this fruitful and widespread Society to the rank of Archsodality through our apostolic benevolence, and to this request is added the most heartfelt recommendation of our beloved son, Augustine, Cardinal Prefect of the Sacred Roman Edict, granted by dispensation from the Apostolic See, the Archbishop of Turin, we believe it is right to grant this request with a willing heart. Therefore, having heard the Most Reverend and Most Noble Cardinals, Prefects of the Congregation for interpreting the decrees of the Council of Trent, and exercising the fullness of our apostolic power, by the present document, perpetually and in perpetuity, we elevate and promote the Society of the Virgin of Consolation of Turin, canonically erected in the Basilica under the same title, to the rank of

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Archconfraternity, with the customary privileges. Furthermore, we grant, with our apostolic authority, to the Moderator and Officials, present and future, of the Archsodality thus established, the power to rightfully incorporate all canonically erected Societies and institutions of the same name and purpose, both those existing at present and those to be established in the future, throughout the world, and to communicate to them all the indulgences granted to this Archsodality by the Apostolic See, provided that they can rightfully participate in them. However, we decree that, with regard to the incorporation of such Societies and the communication of indulgences, the Constitutions of Pope Clement VIII, our predecessor, and all other Apostolic Ordinances issued above, must be religiously observed. We declare that these present Letters shall always remain firm, valid, and effective, and shall have their full and complete effect and obtain their intended purpose; and that they shall fully support those to whom they apply, or who may apply to them in the future; and that it shall be rightly judged and determined that they shall be null and void if anything to the contrary is attempted by anyone.

[*Latin ed. p. 723*]

The Holy Congregation of the Holy Office. By whatever authority, it may happen, knowingly or unknowingly, that someone attempts [something]. Notwithstanding any contrary things. Given in Rome, at Saint Peter's, under the seal of the Fisherman, on the twenty-fifth day of July, in the year 1837, in the ninth year of Our Pontificate. R. L. 1$ Most Reverend Cardinal Merry del Val, Secretary of State.

THE HOLY CONGREGATION OF THE HOLY OFFICE (SECTION FOR INDULGENCES)

INDULGENCES ARE GRANTED TO THE BLESSED VIRGIN MARY FOR PIOUS EXERCISES IN HONOR OF SAINT ANNE.

On the twenty-second of August, 1912.

Our Most Holy Lord, Pope Pius, by divine providence, after having heard the Most Reverend Prelate, Assistant of the Holy Office, in order to promote the devotion of the faithful towards the Blessed Mother of God, deigned to grant that those who, at least with a contrite heart, either immediately before the feast of Saint Anne, or again at another time during the year, have devoted themselves to nine days of pious exercises, on nine successive Wednesdays, in honor of the same Saint, may obtain the indulgence of seven years and seven quarantines, once a day, on each of the aforementioned Wednesdays; but those who, moreover, approach the sacraments of Confession and Holy Communion, and pray according to the mind of the Supreme Pontiff, may obtain a plenary indulgence.

Furthermore, it was granted that those who, with a contrite heart, ei-

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ther before the feast, or again at another time during the year, dedicate themselves to novenas in honor of the same Blessed Anne, through prayers approved by the competent authority, may acquire, on each day of the pious exercise, the indulgence of seven years and seven quarantines, once a day; but if, on any of the aforementioned days, or on any other of the eight subsequent days, chosen at their own discretion, they also approach the sacraments of Confession and Holy Communion, and pray according to the mind of the Supreme Pontiff, they may obtain a plenary indulgence.

Finally, it is permitted that anyone, if they prefer, may apply these indulgences for the souls suffering in Purgatory, as a form of suffrage.

This [decree] is valid forever, without any brief being required. Notwithstanding any contrary things.

Most Reverend Cardinal Rampa, Prefect. L. ffi S. f D. Archbishop of Seleucia, Assistant of the Holy Office.

[*Latin ed. p. 724*]

7M Acta Apostolicae Sedis. - Official Commentary. SACRED CONGREGATION CONSISTORIAL DECREE CONCERNING STAGE PERFORMANCES IN CHURCHES. In recent years, it has not infrequently happened that, through cinematographs and projections, as they are called, certain stage performances are held in churches. Although this has been done with the desire to promote religious devotion among the faithful, it has been seen that it easily gives rise to dangers and inconveniences. Since some Sacred Ministers have inquired of the Apostolic See whether such practices can be tolerated or rather ought to be prohibited, the matter has been brought before the Most Reverend Fathers of the Sacred Congregation Consistorial.

Furthermore, considering that churches, which are dedicated to God, in which divine mysteries are celebrated, and in which the faithful are elevated to heavenly and supernatural things, ought not to be converted to other uses, and especially to stage performances, even if they are honest and pious, they judged it necessary to completely prohibit all projections and cinematographic representations in churches.

His Holiness Pope Pius X approved and confirmed the opinion of the Most Reverend Fathers, and ordered that a general decree be issued, by which such practices are prohibited in churches. Contrary opinions notwithstanding.

Given at Rome, from the Sacred Congregation Consistorial, on the 10th of December, 1912.

C. CARD. DE LAI, Secretary.

Scipio Tecchi, Assistant.

AVVERTENZA. It is hereby noted, for the information of all those to whom it may be of interest, that Mr. Giacinto Vassetta is not permitted to

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conduct business of any kind with the Sacred Congregations and other ecclesiastical dicasteries; and that, indeed, he has been prohibited from entering the same.

[*Latin ed. p. 725*]

S. G. concerning the Discipline of the Sacraments. 725 S. C. CONCERNING THE DISCIPLINE OF THE SACRAMENTS OF ROMANA and other jurisdictions. In the full assembly of most eminent Fathers, held in the apostolic palace of the Vatican on December 20, 1912, the following questions were proposed: I. Whether and for what reasons an Ordinary may permit, by way of dispensation, that the most holy Mass be celebrated outside of a sacred place, in private homes. II. Whether an Ordinary may permit that to small children, besides the case of imminent danger of death or urgent infirmity, the sacrament of Baptism be administered at home. III. Whether an Ordinary may permit that to those afflicted with poor health, who are unable to leave their homes and who request the Holy Eucharist for devotion, especially if many request it in a particular parish, or if someone requests it frequently, the Holy Eucharist be privately brought from the church to the home, or not, observing the prescriptions of the Ritual. And the Eminent Fathers, having maturely considered the matter, responded: To I. Affirmative, from just and reasonable causes, by way of dispensation, but not in a bedroom, but in a suitable place, and with all other legally required conditions observed, and entirely without any title whatsoever. To II. Affirmative, from a just and reasonable cause. To III. Affirmative, from a just and reasonable cause, provided that at least the rite proposed by Benedict XIV in the Decree *Inter omnigenas*, February 2, 1744, § 23, be observed, namely: "The priest shall always have his stole covered with his own vestments; he shall conceal the pyx in a secular or cloth bag, which he shall place in his bosom, suspended by a cord around his neck; and he shall never proceed alone, but shall be accompanied by at least one faithful person, or, in the absence of a cleric, by another." These resolutions were ratified and confirmed by the Most Holy Pope Pius X in an audience held by the undersigned Secretary on December 22, 1912. Given in ROMANA, from the Secretariat of the S. C. concerning the Discipline of the Sacraments, on December 23, 1912. D. CARD. FERRATA, Prefect. Ph. Giustini, Secretary.

[*Latin ed. p. 726*]

726 Acta Apostolicae Sedis. - Official Commentary. THE HOLY CONGREGATION OF THE COUNCIL CONCERNING THE DISTRIBUTION OF THE PASCHAL COMMUNION IN NON-PAROCHIAL CHURCHES, INCLUDING THOSE OF RELIGIOUS ORDERS, ON THE DAY IT IS TO BE ADMINISTERED. Since the Holy Congregation of the Council had inquired whether, after the decree concerning the daily reception of the Most

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Holy Eucharist, the beginning of which was "the Sacred Council of Trent," the law still remained in force, which forbade the administration of the Sacrament of the Most Holy Eucharist to the faithful on the Feast of Easter in non-parochial churches, especially those of religious orders, even for the sake of devotion; Our Most Holy Lord Pius, by divine providence, Pope X, having heard the report of the undersigned Cardinal Prefect, on the 26th of this month, ordered that the following be answered: No, notwithstanding any contrary provisions; and He commanded that this be published in the Acts of the Apostolic See. Given at Rome, from the Secretariat of the Holy Congregation of the Council, on the 28th of November, 1912. C. h. CARD. GENNARI, Prefect. © S. O. Giorgi, Secretary. NOTICE. Let it be known that the priests Famianus Clementi and Franciscus De Carolis, from the place commonly called Fabrica, within the territory of the diocese of Civita Castellana, having received alms for Masses in a greater number than is permitted, contrary to the provisions of the decree "Ut debita," issued by the Holy Congregation of the Council on May 11th of the year 1904, it is necessary to state that they do not enjoy the faculty to do so, indeed, it is absolutely forbidden for alms for Masses to be sent to them.

[*Latin ed. p. 727*]

The Holy Congregation of Propaganda Fide. The Holy Congregation of Rites.

I. DECREE OF APPROVAL OF THE ROMAN DIURNAL ANTIPHONAL.

The Diurnal Antiphonal of the Holy Roman Church, conforming to the Apostolic Constitution *Divino afflatu* of the ninth of November, 1911, according to the new psalter, has now been happily published by the Vatican Press. Since it presents Gregorian chant, either received from the Fathers or, where necessary, composed in the same style, according to the Apostolic Letters given by our most holy Lord Pope Pius X, by his divine providence, through the Motu proprio of the twenty-fifth of April, 1904, the Sacred Congregation of Rites declares that this very edition is to be considered the standard edition to be used by all those who follow the Roman rite, and decrees that in future editions, the melodies of the Gregorian chant contained therein must conform to this aforementioned standard edition, so that no derogation may be made from the decrees of the Sacred Congregation of Rites given on the eleventh of April, 1911, n. 4263, concerning the Vatican edition and its reproduction with regard to Gregorian liturgical books, and on the eighth of July, 1912, concerning the modification of monosyllabic or Hebrew words in the readings, versicles, and psalms. Contrary decrees notwithstanding.

December 8, 1912.

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Fr. S. CARD. MARTINELLI, Prefect.

L. Eg S. Petrus La Fontaine, Bishop of Charyste, Secretary.

II. DOUBTS.

The following doubts have been proposed to the Sacred Congregation of Rites for appropriate resolution:

I. In the new rubrics, Title X, n. 2, votive or private Masses for the dead are prohibited on the day on which the Mass of the Lord's Day is anticipated or postponed.

The question is: What is to be understood by the word "postponed"?

[*Latin ed. p. 728*]

728 Acta Apostolicae Sedis. - Official Commentary. II. If the first day of the month that is free is a Saturday, and the feast of Saint Mary falls on that Saturday, should the principal Mass be celebrated for Saint Mary, or for the dead? And what if the Mass of the preceding Sunday was hindered? III. In churches which are dedicated to Saint Joseph, and in places where Saint Joseph has been venerated until now as the principal patron, should the patronal feast be observed still on the 19th of March, or rather should it be transferred to the Sunday three days after Easter? IV. In the reformed diocesan calendars, certain particular and not strictly proper feasts have been suppressed, from which the Office was taken either from the diocesan Proper, or from the appendix to the Breviary for certain places. The question is: What Office should be used in churches where such feasts are strictly proper, and to be observed either by reason of the dedication, or of the patronage, or of the relics? Should the Office suppressed in the diocese still be recited, or rather should one resort to the Common Office? V. On the vigils of the Apostles Saint Matthew and Saint Thomas, the first in Lent, and the others on weekdays of the Four Seasons, is it permissible to celebrate a private Mass, either for the feast occurring, or for a major feast day, or for the vigil? VI. If the vigil of Saint John the Baptist and the feast of the Apostles Saints Peter and Paul occur on the same day, the 27th of June, can private Masses be celebrated either for the feast occurring, or for one of the vigils? VII. Considering especially the rubric in title IX, number 4, in places where there is a principal patron of a town or city, or of a diocese, or of a province, or of a nation, should each feast be celebrated with the proper rites for that patron? VIII. Are the readings for the octave and non of Saints Nereus and his companions, Saint Matthew the Apostle and Evangelist, and the Dedication of Saint Michael the Archangel, to be combined when the non of a weekday or Sunday is to be read? IX. What color should be used on the feast of the Commemoration of All the Saints of the Most Holy Roman Church? And the Sacred Congregation of Rites, after hearing the opinion of the Liturgical Commission, and after careful

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deliberation, decided that the following answers should be given: To I. It is stated that the Mass should be celebrated which was not celebrated on the preceding Sunday, because of the occurrence of a more solemn Office: and in this case, votive Masses and private Masses for the dead are prohibited on that day on which the Mass of the Sunday is to be celebrated for the first time. To II. The principal Mass of Saint Mary should be celebrated on the Saturday, even in the case in which the Mass of the preceding Sunday was hindered. In

[*Latin ed. p. 729*]

Page 729. Congregation of Rites. In cathedral and collegiate churches, after Prime and outside the choir, the Mass for the Dead is to be celebrated without singing. Regarding III: The feast concerning which, in this case, it is more fitting to be transferred to the third Sunday after Easter: unless special reasons exist for retaining it on its proper day, which is March 19th. Regarding IV: The Office previously recited is to be used, with the Missa being sung. Regarding V: Affirmative. Regarding VI: Affirmative. Regarding VII: Affirmative; also concerning the Patron of the diocese, provided that, until now, the feast of said Patron has been celebrated throughout the diocese, even in places which also have a particular Patron, under the double rite of the first class, with the Octave. Regarding VIII: Affirmative, concerning only the readings of the Saints Nereus and his companions, Martyrs, and the Dedication of Saint Michael the Archangel. Regarding IX: The ancient practice of the Patriarchal churches and other churches of the City is to be observed, in which the color red is used. And thus it was decreed, on December 6, 1912. Rev. Fr. CARD. MARTINELLI, Prefect. Fr. Petrus La Fontaine, Bishop of Charystien, Secretary. III. LAURETANA. CONCERNING THE HONORARY TITLES ENJOYED BY THE CHAPTER OF THE NOBLE HOUSE OF LAURETANA. By order of the Most Holy Pope Pius X, the Sacred Congregation of Rites declared: From authentic documents presented and carefully examined, it is clear that the Canons, Beneficiaries, and Chaplains of the Basilica and of the noble House of Lauretana, even those who are honorary, are called "Familiares Papae" [Family Members of the Pope], and are to be considered as such: and that these are not to be included among the Prelates, nor among the Cubicularians or Chaplains of the Supreme Pontiff; and therefore, they do not enjoy the titles and privileges of these groups. On December 11, 1912. Rev. Fr. CARD. MARTINELLI, Prefect. L. © Rev. Fr. Petrus La Fontaine, Bishop of Charystien, Secretary.

[*Latin ed. p. 730*]

730 Acta Apostolicae Sedis. - Official Commentary. THE HOLY CONGREGATION FOR EXTRAORDINARY ECCLESIASTICAL AFFAIRS DECLARES CONCERNING THE INDULGENCE OF ABSTINENCE AND

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FASTING FOR LATIN AMERICA. From an audience granted by the Most Holy Father on December 10, 1912. Regarding the doubt presented, whether the Indulgence of January 1, 1910, concerning abstinence and fasting for Latin America, also has force in all the Antilles and other islands of the Caribbean Sea, the Most Holy Father, our Lord Pius, by divine providence, Pope X, after considering the matter, with the undersigned Pro-Secretary of the Holy Congregation for Extraordinary Ecclesial Affairs, decreed: Affirmative, according to the authentic Declaration of August 16, 1898, by which the Apostolic Letters *Trans Oceanum* are also declared to be in force in the aforementioned islands; concerning, however, the observance of the privileges or indulgences, the Declaration of December 13, 1911, must also be observed. And thus, His Holiness commanded that this be written down and made public, to the exclusion of anything to the contrary. Given at Rome, from the Secretariat of the aforementioned Holy Congregation, on the day, month, and year mentioned above. 1 2 Eugenius Pacelli, Pro-Secretary. 1 2 Cf. Acta Apostolicae Sedis, Vol. II, pages 215-217. Cf. Acta Apostolicae Sedis, Vol. III, pages 669-670.

[*Latin ed. p. 731*]

Sacred Roman Rota. 73. Regarding the Cause of the Translation of the Holy Image. During the happy reign of Pope Pius X, in the ninth year of his pontificate, on the 3rd of August, 1912, the Most Reverend Fathers, Joseph Mori, Prefect, Frederick Cattani, and Anthony Perathoner, Auditors of Tournon, in the cause concerning the Translation of the Holy Image, between the Lord Magin Gallifa Gomis, acting on his own behalf and as the legal representative of the priest Joseph Santasusana Torrens, now deceased, the aforementioned being represented by his legitimate procurator, the advocate Nazaren Patrizi, and the defendant, the Lord Leodegarius Torrens, who appeared and contested, before this Sacred Rotarian Tribunal for the protection of the law, rendered the following final judgment.

In the town of Manresa, on a street formerly called Valldaura, there stood a chapel in which was exposed for public veneration the image of the Blessed Virgin Mary of Valldaura, adorned with the same title, which had replaced another, as is said, which was formerly found in a well of a nearby house and which was then consumed by fire in the year 1811. As the chapel was deteriorating due to age, and the municipal authorities of the town were urging for its expansion for the benefit of the city, in that part which is called Isla, with the mutual consent of both civil and ecclesiastical authorities, it was decided, from the year 1877, that in that place, or on the new Bruch street, a church, together with an annexed monastery for the tertiary sisters of Saint Dominic, should be built, and that the aforementioned image should be transferred from the chapel to be demolished. This was done, and the Holy Image was thus endowed with greater honor, and the street became wider. The Bishop

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Morgades, the current predecessor, was concerned to urge the faithful of the town to contribute generously to the construction of the new temple and monastery: the construction of the new temple began, and in the year 1897, the chapel was demolished, and the image of the Blessed Virgin Mary of Valldaura was temporarily transferred for public veneration to the parish church of Saint Peter. However, some inhabitants of the area surrounding the Valldaura street, together with Leodegarius Torrens, a chaplain residing elsewhere but in the same street, again petitioned, and with the consent of the aforementioned bishop, as evidenced by the decrees of February 18, 1898, and May 15, 1899, to have the image of the Mother of God restored.

[*Latin ed. p. 732*]

732 Acta Apostolicae Sedis. - Commentarium Officiale. are. But, vehemently opposing were Messire Gallifa Gomis and the presbyter Joseph Santasusana, who had provided assistance and cooperation, especially in the construction of the church and the convent of the Sisters of St. Dominic; the matter, therefore, for resolution by judicial means, was brought before the court of Vich. The ecclesiastical provisor, or the vicarius generalis of the actual bishop Torras and Bages, with a judgment dated September 17, 1904, having revoked and reformed the administrative decrees of his predecessor mentioned above, decreed that the image of the Blessed Virgin of Valldaura should be transferred to the newly constructed church of the nuns of St. Dominic in Via Bruch. The tenor of the decision was as follows: "We declare that the image of the Virgin of Valldaura, which "previously was venerated in the chapel that existed in the "said square and which today is venerated in a chapel of the "parish church of St. Peter, must be transferred to the chapel "built on Via Bruch, adjacent to the college of the Dominican "Sisters, and be venerated therein as the titular saint of "the same. Consequently, the decree issued by this "provisorate on February 18, 1898, is annulled, "and it is declared null and void, in the part that refers to "the transfer and the cult of said image to the new chapel "in the square of Valldaura, the decree of May 15, 1899, "issued by the Most Reverend Bishop at the request of "Dom Leodegario Torrens... " Let this our judgment stand firm, and a message or "notification is sent to the Reverend parish priest of St. "Peter, so that, in agreement with the chaplain in charge of "the chapel in Via Bruch, the imposed transfer is carried "out..." The decision, having been issued, took effect, and on December 13 of the following year, the aforementioned transfer was carried out. However, because, notwithstanding the transfer, the cult of the Blessed Virgin Mary of Valldaura continued in the rebuilt chapel, Messire Gallifa and Santasusana, on February 4 of the year 1905, insisted with the same provisor that, in virtue of the issued judgment, the aforementioned cult be prohibited and that all objects pertaining to the demolished chapel, especially the bell and other votive objects, be

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delivered to the chaplain of the church in Via Bruch. The provisor, at first, admitted: regarding the second point, with a decree dated the 14th of the same month, he ordered the parish priest of St. Peter to submit an inventory of the aforementioned objects to the Curia. However, when the parish priest reported that the image was still venerated in the rebuilt chapel, only with an inscription placed on the base: "Our Lady of Consolation," they again presented complaints to the same provisor, together requesting the delivery of the objects. The provisor, with a decree dated May 3 of the following year, confirmed the dispositions already given.

[*Latin ed. p. 733*]

Saint Bonaventure Bofa. On the 7th of May, he rejected one petition concerning the prohibition of veneration of the Holy Image in the aforementioned chapel, and another petition concerning the return of objects. On the same day, the 26th, he issued another decree, stating that the appeal presented had no bearing on the execution of the judgment of September 27, 1904, and that the objects requested in the appeal should be inscribed in the inventory by the parish priest of Saint Peter, and then submitted to the Ordinary for his free disposal; and he ordered that a separate part be included in the judgment: "Since these measures do not aim to fulfill the sentence of the 27th of last month, but only to safeguard and place at the free disposal of the Prelate the objects belonging to the ancient chapel of Vall daura, a separate part is formed... and the parish priest of Saint Peter, M..., is hereby instructed in writing."

Neither did the actors find satisfaction in this decree, especially because the veneration of the image of the Blessed Virgin Mary of Vall daura in the aforementioned chapel had been replaced by another image of lesser form, namely, the one that was usually carried to the sick and gravely ill, still referring to the Blessed Virgin of Vall daura. Therefore, on June 2nd of the following year, they requested a reform of the published decree with a new appeal, and added further requests: "I. That the new image of Our Lady of Vall daura, which has been placed in the altar of the Torrens chapel, be removed and returned to its rightful place as part of the objects claimed. II. That the words 'Our Lady of Vall daura' be permanently removed from the dedication of the Torrens chapel, and replaced with the words 'Our Lady of Consolation' or any other invocation. III. That the painting on the dome be indelibly covered. IV. That it be clearly established who is the owner of the Torrens chapel."

The diocesan vicar, in a written response dated June 20th of the same year, rejected this petition and the additions: "Since the measure against which this appeal is brought does not aim to fulfill any sentence, but only to safeguard and place at the free disposal of the Prelate, saving always what the higher tribunal may decide, the objects that belonged to the ancient and now demolished chapel of Our Lady of Vall daura, there is no basis

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for granting any of the requests."

Against the provisions issued in the decrees of May 26th and June 21st, the actors Oallifa and Santasusana filed an appeal with the metropolitan tribunal of Tarragona. The judge of Tarragona, after hearing the parties regarding the incidental questions raised, rendered a judgment on November 12, 1909, resolving the dispute as follows: "I. The decree of the diocesan vicar of Vich of May 21, 1905, is reformed in this sense, so that all the objects that directly and immediately... "

[*Latin ed. p. 734*]

734 Acta Apostolicae Sedis. - Official Commentary. The remaining objects, originating from the demolished chapel of the Blessed Virgin Mary of Valldaura, remained under the free disposition of the diocesan bishop. II. The aforementioned decree of the Provisional Tribunal of June 21, 1905, was confirmed. Against this judgment of the judge of Tarragona, Gallifa and Santasusana, rather than appealing to the Court of Madrid, brought the case before this Holy Tribunal, to which, by the benign commission of the Most Holy, the discussion and definition of the case was entrusted. The question is posed, still persisting in its obstinacy with the defendant Leodegario Torrens, with the intervention of the promoter of justice, between whom and the legitimate procurator Magini Gallifa, the other party to the dispute, recently deceased, the doubts, most recently for discussion, are thus tempered and restricted, that is: I. Whether all objects pertaining to the demolished chapel of Saint Mary of Valldaura, even those which do not directly and immediately serve the image, should be transferred to the new church on Via Bruch in Kosso. II. Whether and how the decree of the Provisional Tribunal of June 21, 1905, should be confirmed, both concerning the prohibition of worship of the Blessed Virgin Mary of Valldaura in the newly erected chapel on the square of the same name, and concerning the designation of the person to whom said chapel belongs. Regarding the matter of law. - The Reverend Fathers, Auditors, observed that the matter concerned the execution of a judgment: for this is what the pleadings refer to, when they request that the objects pertaining to the demolished chapel be assigned to the chaplain of the new church on Via Bruch, or that the worship of the Blessed Virgin Mary of Valldaura in the newly erected chapel on the square of the same name be prohibited, or that the owner of this chapel be declared: they argue that this descends from and is contained in the judgment of September 17, 1904, which has already passed into res judicata. However, it is accepted that judgments are of strict law, as stated in Bit. disp. eccl. 19, n. 13, and are not easily extended from one case to another, as established by the Court in Burgen. Jurisdiction, May 7, 1688, § Therefore, it is not included and is stated by Cardinal De Luca De Praemin., disp. 4. "Judgments must be strictly understood in those things which they express, and not 'drawn to cases not 'expressed by implications or subtexts and ar-

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guments, except insofar as they 'concern matters inherent in the judgment and its 'necessary consequences." And the reason is, because the thing that was previously requested by a particular action, after the dispute and the subsequent judgment, is urged by a new obligation through an action of judgment. Thus Lega, de iud. eccl., vol. 1, sect. 4, n. 681. "A new thing is produced by res judicata, namely the 'action of judgment, therefore the rights that are declared by the 'judgment, are urged to 'their execution by force of this action, not by force of the 'particular action of each 'jurisdiction; and in this sense, Ulpian said in 1. 3, § 1 1, ff., de peculio..."

[*Latin ed. p. 735*]

St. Roman Code. 735. "A judgment is to be executed; therefore, one should not look to the origin of the judgment, but to the 'judgment itself, as an obligation.' Consequently, in carrying out the sentence, it is not permissible to extend it beyond the limits established by the judge." Secondly, it was noted that the actors, in the incidental questions raised concerning the execution of the res judicata, have improperly invoked the principle "the accessory follows the principal," as appears from the records. As Cardinal D'Annibale states in his *Summula Theologica Moralis*, vol. 2, no. 138, an accessory in a movable thing can be formed in the following ways: "1° when one thing is integrated from another; 2° when a new 'species' is created from both; 3° when only one of the two forms a 'mass': hence, addition, specification, and commixture or confusion. Therefore, 'addition' is understood when two things are joined together so that from both, a single, complete body is formed, while the substance of each remains distinct." These, however, are to be understood in a moral sense, and are to be defined not by the strictness and subtleties of law, but by natural equity, as the cited author states in a note, and with respect to the accessory, he calls "what is for the benefit of" (the thing), "or an addition, or an ornament, or a use." Therefore, it is necessary that the objects claimed by the actors, namely the image of the B. V. M. of Valdaura, have a direct and immediate moral connection, because the aforementioned principle has diverse and multiple applications depending on the circumstances, as explained by Ferraris in his *Bibliotheca Canonica*, v. *Accessorium*. Thirdly, it was noted that the bishop is the moderator of divine worship in his diocese. "The fifth right of the bishop," says Vecchiotti in his *Canon Law Institutes*, vol. 1, chap. 6, § 59, "is to administer. To administer is to exercise spiritual care over his flock, and to arrange matters pertaining to divine worship and works of piety, and to take diligent care." Therefore, the bishop, for a just cause of greater decency in worship, can suppress chapels and transfer pious images, even against the wishes of the patrons, as is stated by the Sacred Council of Trent, Session 25, Decree, concerning the invocation and veneration of sacred images, as reported by Panimolla, decision 11, no. 27, and by the Rota in *Bomana, Translation of the Image*,

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June 25, 1742, § 6, before Cardinal Calcagnino in Leopoldina, July 30, 1763, §; and by the Sacred Congregation in Aquaependia, concerning the translation of the image, September 18, §; and in Terracina, June 2, 1764. Fact of the Case. - These principles are established in law; the Reverend Fathers examined the following facts. After the sentence of the ecclesiastical provost of Vicensis, dated September 17, 1904, was published and put into effect, concerning the translation of the image or statue of the B. V. M. of Valdaura to the newly erected church on Via Bruch, Maginus Gallifa and the priest Santasusana, now represented by the aforementioned Gallifa, petitioned that...

[*Latin ed. p. 736*]

736 Acta Apostolicae Sedis. - Official Commentary. In the chapel, which had been rebuilt by Leodegarius, the veneration of the same image was prohibited, and all objects, whether pertaining to the image or relating to the demolition of the chapel, were to be delivered to the chaplain on Bruch Street. "Through 'this' - so the parties in the appeal to the Holy See Tribunal - the 'speaker' and the 'Reverend Santasusana' began to request that the effects belonging to the image which was venerated in the demolished chapel be delivered to the chaplain in charge of the temple, since they must be considered as accessories to it, and the effects belonging to the demolished chapel, because the temple on Bruch Street is the legitimate successor to that chapel, especially the bell which has an inscription that says: 'Bell of Our Lady of Valldaura'." The ecclesiastical commissary, admitting the first request, prohibited the aforementioned veneration in the Torrens chapel, but did not approve the second part, and ordered that, after a prior inventory, all objects pertaining to the demolished chapel be delivered to the parish priest of St. Peter and remain at the free disposal of the bishop. Against this decree, an appeal was made by the parties on May 26, 1905, and the Metropolitan Tribunal of Tarragona, after hearing the case on November 12, 1909, approved the first part of the decree, but reformed the second part, distinguishing between objects connected with the image and serving it, which it ordered to be delivered to the chaplain of the new church on Bruch Street, and other objects, which it ordered to be entrusted to the free disposal of the Ordinary. Thus, the tenor of the decision: "We declare that we must reform and reaffirm the act of May 26, dictated by the decree of the commissary of Vich, in the extreme appeal, and we declare in its place that all objects originating from the demolished chapel of Our Lady of Valldaura which belong to the Holy Image and serve directly and immediately for its transport and adornment, such as vestments, indulgences, and anything else that bears that character, according to the principles of Roman law, must be delivered to the chaplain in charge of the temple of Our Lady of Valldaura on Bruch Street. We also declare that all other objects originating from the ancient and demolished chapel

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which are not included under the denomination of 'belongings,' remain at the disposal of the diocesan Prelate, who is the fixed and natural administrator of all ecclesiastical goods of the diocese." The Reverend Fathers generally considered this decision to be one that should be upheld, based on the aforementioned principles: and rightly so. In truth, the execution of a sentence issued on September 17, 1904, which had already become final, was being carried out, and, at the request of the appellants, only the transfer of the Holy Image had been permitted.

[*Latin ed. p. 737*]

737 The Roman Rota, with the revocation of two decrees of the preceding bishop, as is clearly stated in the text of the decision concerning the specific case. The plaintiffs, Gallifa and Santasusana, had not intended to include the objects existing in the ruined chapel; therefore, the Provisor could not render a judgment concerning these, since such a judgment must be in conformity with the petition, as is openly stated in chapter [reference to Clement, on the meaning of words]. The plaintiffs falsely believed that this was included in the aforementioned judgment and, therefore, they petitioned the same Provisor to also transfer the aforementioned objects to the chaplain of the new church on the Bruch street, for execution of the judgment. The diocesan judge denied this, but the appellate judge more correctly distinguished a different class of objects, and decreed that those which have a direct connection with the transferred image, or which directly and immediately serve its cult, should be included. For, first, it is stated in the judgment: "that the Holy Image 'must be transferred to the chapel built on the Bruch street,' and 'be venerated there as the titular saint of the same.'" Furthermore, as has been noted previously, according to the doctrine of Cardinal De Luca, although a judgment cannot be extended to cases not expressly mentioned, it can nevertheless include those things which are inherent in the judgment, or which are necessarily connected with it. Therefore, the metropolitan judge sets forth the following considerations regarding this point: "Considering that, in rendering the judgment concerning the execution of which is treated in the present proceedings, for the transfer of the venerated image of Our Lady of Valldaura to the new temple on the Bruch street, all those objects which belong to the same must be transferred along with it, according to the doctrine of the Roman jurists and their commentators, that is, the objects which are inseparable from it and which directly refer to it, which are thus accessory to it and which belong to it, which form a legal whole with it, which constitute an integral part of the image, not in a physical way, but morally, objects which, by their nature, according to common sense and according to the will of the donors, belong to it and are used for it, in which case are included the documents of indulgences, the vestments, the crowns, and other ex votos, etc." Regarding the second class of objects not belonging to the Holy Image,

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although the Holy Fathers generally admit that these may temporarily be left to the free disposition of the Ordinary, as the metropolitan judge states in his considerations and as is defined in the dispositive part of the judgment, nevertheless, they decree that the bell of the demolished chapel, or images, if by this name are meant the images of the Blessed Virgin Mary of Valldaura intended for public veneration, such as the small image of the Virgin which was usually carried to the sick, cannot be included.

[*Latin ed. p. 738*]

738 Acta Apostolicae Sedis. - Official Commentary. As the ancient inscription present on it indicates - "Bell of the Mother of God of Valdaura, year 1824" - it directly pertains, by vow, to the transported Holy Image: not secondarily, because that would contradict the first part of the Provisional Decree concerning the prohibition of the cult of the B. V. Mary of Valldaura in the newly erected chapel by Leodegario Torrens. Furthermore, those who are concerned are making efforts, as the defender Magini Gallifa has sought to demonstrate, to vindicate the new church in the Bruch street, or the transported image, against all objections relating to the ruined chapel. He, in his argument, seeks to achieve this by appealing to titles of consecration, succession, and donation, and he claims to establish his thesis based on these. However, when examined individually, the response is readily apparent. These titles can be presented in a new, separate trial, if the represented party wishes to attempt it; but since, in the first action, only the transportation of the Holy Image was in question, and from that the matter was judged, the Reverend Fathers were obliged to confine themselves within their own jurisdiction, and to judge only those matters which have a direct moral connection with the fact of the transportation, otherwise they would exceed their competence. Regarding the second point of the appeal, namely, the Decree of the Provisional of Vich of June 21, 1905, the following should be noted: The appellants, as noted at the beginning, and as appears from their document of June 2 of that month, first requested the reform of the Decree of May 26 of the preceding year, which ordered that all objects of the ruined chapel be placed under the custody of the parish priest, Saint Peter, and left to the free disposal of the diocesan prelate; then they added several requests to their petitions, relating both to the removal of any sign or trace that might recall the veneration of the transported image in the new chapel in the Valdaura square, and concerning the designation of the owner of the same chapel; these points were presented individually in the context of the facts. The Provisional of Vich, in the Decree of June 21, 1905, denied both requests, and the metropolitan judge, in his judgment of September 12, 1909, fully confirmed it. Hence, the appeal to our Holy Tribunal. However, the appellant, Magini Gallifa, with the consent of the Promoter of Justice, limited the matter to be argued to this second part of the Decree, as is evident from the 2nd question. With these premises, the Reverend

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Fathers have stated that the amplified petition of the appellants concerning the prohibition of the cult of the B. V. Mary of Valdaura, or the removal of any sign related to it in the new Torrens chapel, cannot be considered extraneous to the execution of the judgment. For, the restoration of the cult in the aforementioned new church in the Bruch street would prejudice the judgment, and the Ordinary, as moderator of the cult in his diocese, is empowered to prohibit it. This also follows from the declaratory act of the judgment issued on September 26, 1904: "Con-

[*Latin ed. p. 739*]

The Roman Rota. 739 "Considering that, after the transaction of the image of the Most Holy Virgin under the name of Valldaura to the chapel on Via Bruch, it has already been decided and judged that it cannot be venerated in any other place, nor dedicated to a church... and this especially when said denomination is not an invocation approved by the Church, but only a private name derived from the place where the chapel was located." Therefore, the decree concerning this part is invalidated, just as the related decision of the metropolitan judge is revoked. However, the Fathers considered that another part of the decree, concerning the determination of the owner of said chapel, which was confirmed together with the judgment of the metropolitan tribunal, should stand. This question was not considered in the initial proceedings of the judgment, nor in the final sentence of September 17, 1904. Therefore, just as the competent jurisdiction of the judge of first and second instance was excluded, having been called only to execute the judged matter, so too does it escape the jurisdiction of the Most Holy Tribunal. After carefully considering these matters, invoking the name of Christ, and sitting for the Tribunal with only God before our eyes, We, the undersigned Auditors, respond to the proposed questions. To the first question: Only those things that directly and immediately serve the Most Holy Image are to be transferred to the new church on Via Bruch, including the bell. To the second question: To invalidate the first part of the decree, and to confirm the second part. Thus We say, declare, and judge, condemning the plaintiff to pay the judicial expenses. Thus We pronounce, ordering the Ordinaries of the places and the officials of the tribunals to whom it pertains, to order the execution of this Our definitive sentence, and to proceed against those who resist, according to the sacred canons, and especially chapter 3 of the 25th session of the Council of Trent, using the executive and coercive means that may be more effective and appropriate for the circumstances. Rome, in the seat of the Tribunal of the Most Holy Roman Rota, on the 3rd of August, 1912.

Signed:

Joseph Mori, Presiding.

Frederick Cattani.

Anthony Perathoner.

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T. Tani, Notary of the Most Holy Rota.

[*Latin ed. p. 740*]

Acts of the Apostolic See. - Official Commentary 740. Edictal Citation. OREGONOPOLITANA. NULLITY OF MARRIAGE (DINA SMITH - DANIEL O'KEEFE). Since it appears from the acts of the process carried out in the Oregonopolitana Court that Mr. Daniel O'Keefe, the defendant in this cause, cannot be found, we hereby cite him by this edict to appear, either in person or through a duly constituted procurator, before the seat of the Tribunal of the Sacred Roman Rota, on February 7, 1913, at the eleventh hour of the morning, to witness the signing of the following question, and to determine the day for the presentation of the cause before the Rota. Question: Does the nullity of the marriage result from the evidence presented? The Ordinaries of the places and all the faithful who have knowledge of the domicile or place of residence of the aforementioned defendant should, as far as possible, take care to inform him of this edictal citation. Rome, December 5, 1912. John Prior, Ponent. L. £B. Rev. John Ladelci, Notary of the Sacred Roman Rota.

TRIBUNAL DE LA SACRÉE ROTE ROMAINE. Citation par Édit. OREGONOPOLITANA. - NULLITÉ DE MARIAGE. Puisqu'il conste des actes du procès qui a été fait dans la Curie de Paris, que monsieur Daniel O'Keefe, défendeur en cette cause, ne peut être trouvé, Nous citons par le présent édit le même défendeur à comparaître, par propre personne ou par procureur légitimement constitué, au siège du Tribunal de la S. Rote Romaine, le 7 février 1913 à 11 heures du matin, pour voir souscrire le doute ci-dessous rapporté, et fixer le jour de la proposition de la cause devant la Rote. Doute: La nullité de mariage résulte-t-elle prouvée? Les Ordinaires des lieux et les fidèles ayant connaissance du domicile ou du lieu de la résidence du dit défendeur doivent, dans la mesure du possible, l'avertir de la présente citation. Rome, le 5 décembre 1912. Jean Prior, Ponent. L. 8j S. Jean Ladelci, Notaire de la S. R. Rote.

[*Latin ed. p. 741*]

Diary of the Roman Curia. 741

DIARY OF THE ROMAN CURIA

SACRED CONGREGATION OF RITES.

CONGREGATION FOR THE PREPARATION OF CAUSES.

On December 3, 1912, before the Most Reverend and Illustrious Lord Cardinal Sebastian Martinelli, Prefect of the Sacred Congregation of Rites,

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Promoter of the Cause of Beatification and Canonization of the Venerable Servant of God, Michael Le Nobletz, Priest and Missionary, the Congregation for the Preparation of Sacred Rites was held, in which the doubt regarding the heroism of the virtues exercised by the aforementioned Venerable Servant of God was discussed by the Reverend Prelates and Consultor Theologians.

ORDINARY CONGREGATION.

On December 10, 1912, in the Apostolic Palace of the Vatican, the Ordinary Congregation of Sacred Rites was held, in which, for the judgment of the Most Reverend and Illustrious Lords Cardinals who comprise the same, the following matters were presented:

1. Introduction of the Cause of Beatification and Canonization of the Servant of God, Mark of Aviano, Professed Priest of the Order of the Minor Capuchins, Apostolic Missionary;

2. Confirmation of the ancient and perpetual cult rendered to the Servant of God, Isnardo de Chiampo, Professed Priest of the Order of the Preachers, called Blessed or Saint;

3. Review of the writings of the Venerable Francis of Lagonegro, Professed Priest of the Order of the Minor Capuchins;

4. And of the Servant of God, Bernadette Soubirous, Religious of the Charity and Christian Instruction;

5. And of the Servant of God, Teresa of the Child Jesus and of the Holy Face, Discalced Carmelite.

SECRETARY OF STATE.

APPOINTMENT.

December 2, 1912.

His Holiness, our Lord Pope Pius X, has deigned benignly to appoint Monsignor Camillo Caccia-Dominioni, His Secret Chamberlain, to present, in his quality as Apostolic Delegate, the cardinal's biretta to Monsignor Carlo De Hornig, Bishop of Veszprém in Hungary, elevated to the sacred purple in the secret Consistory of the same day, and the...

[*Latin ed. p. 742*]

742 Acta Apostolicae Sedis. - Official Commentary. To the Most Noble Prince Lelio Orsini, of Guardiagrele, it was entrusted, as a Cabinet Courier, to deliver to the aforementioned Prelate, along with the cardinal's biretta, the announcement of his elevation to that high dignity. By means of notes from the Secretariat of State, the Holy Father deigned to appoint: December 3, 1912. — The Reverend Father Alessio Lépicier, of the Servants of Mary, Consultor of the Sacred Consistorial Congregation. December 17. — The

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Most Reverend Cardinals Anthony Vico and Gaetano Bisleti, among the Most Reverend Cardinals who are members of the Holy Congregation of Sacraments. December 24. — The Most Reverend Cardinal Diomede Falconio, Protector of the Institute of the Hermanas de la Cruz, of Seville, and of those of the Sisters of Charity of the "Incarnate Word," of Galveston, Texas. With Apostolic Briefs, the Holy Father deigned to appoint: Apostolic Protonotaries *ad instar participantium*: November 21, 1912. — The Reverend Arturo Koenig, prelate of the cathedral chapter of Breslau. November 26. — The Reverend Federico Lelong, general vicar of the archdiocese of Bourges. — Monsignor Luigi Agostino Lorain, canon of the cathedral of the same archdiocese. Domestic Prelates of His Holiness: November 19, 1912. — Monsignor Giovanni Battista Bots, dean pastor of Tilburg, in the diocese of Bois-le-Duc. November 26. — The Reverend Giovanni Battista Leroux, general vicar of the diocese of Coutances. — The Reverend Giovanni Luigi Lepetit, general vicar of the same diocese. By means of notes from the Secretariat of State, the Holy Father deigned to appoint: Extraordinary Secret Chamberlains of His Holiness: December 7, 1912. — Monsignor Bernardo Nienhaus, of the diocese of Münster. — Monsignor Alfonso Maria Agius, of the diocese of Malta. December 9. — Monsignor Giacomo Feldkamm, of the diocese of Paderborn.

[*Latin ed. p. 743*]

Diarium Romanae Curiae. 743, December 19, 1912. — Monsignor Giovanni Schneider, of the archdiocese of Olmütz. — Monsignor Francesco Snopek, of the archdiocese of Olmütz. — Monsignor Giovanni Kubicek, of the same archdiocese. December 23. — Monsignor Ladislao de Esterháry, of the archdiocese of Vienne. — Monsignor Giovanni de Spens-Boden, of the same archdiocese. — Monsignor Ludovico Petschner, of the same archdiocese. — Monsignor Francesco Marcelli, of the diocese of Ascoli Piceno. — Monsignor Giovanni Battista Gianola, of the diocese of Lugano. Honorary Chaplains in purple vestments of His Holiness: November 29, 1912. — Monsignor Antonio Criscuoli, of the diocese of Caltanissetta. December 17. — Monsignor Pietro Sinopoli, of the diocese of Levkosia. — Monsignor Carmelo Parisi, of the same diocese. December 19. — Monsignor Bonifacio Segetá, of the archdiocese of Olmütz. Secret Chaplains of Sword and Cape, extraordinary, of His Holiness: December 13, 1912. — Signor Commendatore Visconte Giuseppe Emmanuele de Cronij-Chanel, of the diocese of Lavai. — Signor Luigi de Savignac, of the archdiocese of Paris. Honorary Chaplain *extra Urbem*: November 26, 1912. — Monsignor Giuseppe Vass, of the diocese of Alba Reale. HONORS. With Apostolic Briefs, the Holy Father deigned to bestow the following honors: The Order of Saint Gregory the Great, civil class, with plaque: November 19, 1912. — To Signor Barone Giovanni de Lassberg, Marshal of the Court of His Royal Highness, Prince Lewis of Bavaria. The Order of Saint Gregory the Great, civil class: Novem-

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ber 20, 1912. — To Signor Prudente Avot, residing in Blendeegues, in the diocese of Arras. November 30. — To Signor Cavaliere Ladislao Koczak Struszkiewicz, aulic counselor in Vienne. December 4. — To Signor Avvocato Cavaliere Armando Miron de l'Espinay, of the diocese of Blois.

[*Latin ed. p. 744*]

744 Acta Apostolicae Sedis. - Commentarium Officiale. The Knighthood of the Order of St. Gregory the Great, civil class: November 18, 1912. — To Mr. Vittorio Bonnevic, of Brussels. November 21. — To Mr. Edoardo Bienvenue, of the diocese of St. Brieuc and Tréguier. — To Mr. Francesco Dubois, a notary, of the same diocese. November 22, 1912. — To Mr. Corrado Schidlo, mayor of Bogutschütz (Upper Silesia). — To Mr. Giacomo Stevenson, of the diocese of Breslau. — To Mr. architect Carlo Brugger, a municipal councilor of Beuthen (Upper Silesia). — To Mr. Ermanno Dyckhoff, of the diocese of Breslau. — To Mr. Ermanno Esders, of the same diocese. November 25. — To Mr. Teodoro Botnel, of the archdiocese of Narbonne. — To Mr. Gabriele Benedetto M. Giuseppe Bourdrel, belonging to the Committee of Catholic Jurists of Amiens. November 26. — To Mr. Dr. Pietro Dudouyt, of the diocese of Coutances. — To Mr. Viscount Carlo de Laître, of the archdiocese of Bourges. — To Mr. Alessandro Ameye, of the same archdiocese. — To Mr. Giorgio Deviolaine, of the diocese of Soissons. — To Mr. Renato Jourdain, of the same diocese. — To Mr. Edoardo Feeney, national president of the American Federation of Catholic Societies in the United States of America. November 28. — To Mr. Isidoro Giuseppe Maria Glard, residing in Camoël, diocese of Vannes. — To Mr. Fulgenzio Préfontaine, formerly a sergeant of the Pontifical Zouaves. December 4. — To Mr. Leone Picot, of the diocese of Blois. December 5. — To Mr. Dr. Clemente Agostino Lodovico Rademaker, of Amsterdam. December 9. — To Mr. Lucio Gauthier, of the diocese of Angouleme. — To Mr. Maurizio de Jarnac de Gardépée de Salignac, of the same diocese. The Knighthood of the Order of St. Sylvester the Pope: December 5, 1912. — To Mr. Francesco Tàborsk^, of the archdiocese of Olmütz.

NECROLOGY. December 8, 1912. — Mgr. Vincenzo Teofilo Popiel, Archbishop of Warsaw. December 27. — Mgr. Giovanni Battista Flapp, Bishop of Parenzo and Pola.

[*Latin ed. p. 745*]

I. INDEX ACTA PII CONSTITUTIONES APOSTOLICAE 429, PP. S. X. APOSTOLICAE, SUB 526, 521, 209, 264, 293, 689, 361, 49, 397, 567, 489, 555, RITUUM: Liturgica, 5, 7, 105, 145, 177, 247, 527, 564, 577, 668, S. CONGREGATIO 261, PRO ROTA: a) Sententiae, 29, 85, 108, 146, 182, CONGREGATIONES. 503, 539, Sectio de Indigentiis, 529, 587, 723. CONGREGATIO 491, 530, 271, 366, CONGREGATIO MENTORUM, 696, 724. 472, DE 403, 643, 698, 704. DISCIPLINA OFFICIA. CONCILII, 296, 726. S. CON-

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GREGATIO DE RELIGIOSIS, 143, 245, S. CONGREGATIO 565, 589, 142, DE PROPAGANDA FIDE: b) Nominationes, 55, 273, 368, 445, S. 628, 668, CONGREGATIO DE PRO RITUUM NEGOTIIS 686, COMMISSIO 714. DE RE BIBLICA, 463. ROMANAE CURIAE: a) Congregationes Ss. Rituum, 46, 165, 259, 466, 486, 551, 134, 717, 290, 336, 357, 426, 741. b) Concursu ad Officia, 206, 259, 625, 531, 652, 94, 566, 498, 162, 333, 355, 393, 462, 484, 606, 215, a) Documenta, 55, 272, 367, 473, 474, Epistolae, 45, 92, 130, DIARIUM 54, STATUS: SACRA- 725. CONGREGATIO 404, 474, 6) Citationes edictales, 550, 740. SECRETARIA S. 340, 450, CONSISTORIALIS: d) Monitum, 724. S. 420, 646, 670, 708, 731. SIGNATURA APOSTOLICA, 187, 288, 350, 570. 6) Erectiones et immutationes finium dioecesum, 176, 337. c) Provisio Ecclesiarum, 26, 53, 102, 341, 377, 591, 629, a) Documenta, 101, 141, 175, 338, 365, NEGOTIIS ECCLESIA- TRIBUNALIA. ROMANA 249, 277, 327, S. 535, 693. S. CONGREGATIO S. OFFICII, 214, 442, 586. 642, 446, 499, STICIS EXTRAORDINARIIS, 645, 707, 730. SACRA 623, 417, 727. 695. SACRAE 474. 705. 6) 138, 213, 269, 295, 690. ALLOCUTIONES, 445, CONGREGATIO 274, 322, 370, 376, 364, 400, 441, 471, 490, MONITUM, 97, 137, 172, 439, 721. EPISTOLAE, 23, 51, 98, 662, INDICIS: a) Decreta de Beatificatione vel Canonizatione, 27, 103, 179, 374, 500, 657, 553. LITTERAE APOSTOLICAE, 617, 641, 144, S. MOTU PROPRIO, CONGREGATIO 5, 609. 469. RERUM a) Documenta, 56, 102, 369. 6) Subiectionis declarationes, 103, PLUMBO LITTERAE, 169, LITTERAE ENCYCLICAE, 619, GENERALIS 704. PROPAGANDA FIDE ORIENTALIUM: a) Documenta, 532. b) Nominationes, 644. 357, 687. c) Monitum, 486. d) Nominationes, 46, 94, 134, 166, 206, 290, 336, 358, 395, 466, 487, 519, 551, 575, 687, 259, 717, 426, 427, 607, 639, 654, 741. e) Necrologium, 48, 96, 136, 168, 208, 336, 360, 396, 428, 608, 640, 688, 720, 744. 468, 552, 576.

[*Latin ed. p. 747*]

II. • A CHRONOLOGICAL INDEX OF DOCUMENTS, ARRANGED BY YEAR, MONTH, AND DAY, PAGE. ACTS OF POPE PIUS X. I. - APOSTOLIC CONSTITUTIONS. 1912 » January, September 1 14 Et Si Nos. - Concerning the Vicariate of the City, Transferred from Ancient Times. - Concerning the Most Holy Eucharist, to be Received in the Mixed Rite. II. - APOSTOLIC LETTERS, SEALED WITH THE LEADEN BULLA. 1911 November 30 » » » 1912 May 24 » » » » June 8 Cum Nos. - Concerning the Provision of the Diaconate of Saint Mary in Domnica. Cum Nos. - Concerning the Provision of the Diaconate of Saint Caesarius in Palatio. Cum Incolarum. - The Transfer of the Parish of Saint Mary of the Rosary and the Establishment of a New Parish of Saint Joseph on the Via Triumphalis. Quamdiu per agri. - Concerning the Establishment of New Parishes in the Territory of Rome. Christifideles graeci rihis. - Concerning the Faithful of the Greek Rite. - The Establishment of the Hajdu-Doroghen Diocese of the Greek Catholic Rite in Hungary. III. - ENCYCLICAL

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LETTERS. 1912 June 7 Lacrimabili statu. - To the Archbishops and Bishops of Latin America, concerning the deplorable condition of the Indians, to be alleviated. » September 24 Singulari quadam. - To His Eminence, George Kopp, Reverend Cardinal Priest, Bishop of Vratislaviensem, and to other Archbishops and Bishops of Germaniae, concerning Catholic and Mixed Guilds. . . . 8 t IV. - *MOTU PROPRIO*. 1912 August 15 Cum omnes Catholicos. - Concerning Catholics in foreign lands. » » » Quo pietatis. - Concerning the Shrine of Saint Mary of the Rocks, for regions of emigration, the Suppentonia Valley.

[*Latin ed. p. 748*]

748. In the year 1912, on the 15th of January, the 17th of February, and the 1st of March, the following documents were issued: APOSTOLIC LETTERS. To the Most Holy Peter. – The establishment of a pious Union for the First Communion of children at the church of Saint Claude in the city of Rome, with the faculty of incorporating Catholics throughout the world. – The granting of the title of Minor Basilica to the very ancient parish church dedicated to God in honor of Saint Joseph, the Spouse of the Virgin Mary, in the city of Buenos Aires, for the benefit of the Christian faithful. – The canonically established Sodality of the Most Holy Rosary in the town of "Mojano" in the diocese of Saint Agatha of the Goths, is raised to the rank of Archiconfraternity in honor of Christian associations. – The Sodality in honor of Saint Christopher is raised to the rank of Archisodality with the faculty of incorporating members throughout the world in the sanctuary. – The Association "Hours of Perpetual Adoration of Gethsemane" established in the Archdiocese of Toulouse, is raised to the rank of Archiconfraternity with the faculty of incorporating members throughout the entire territory of France. – The Sodality under the title "Notre-Dame de suprême pardon" is raised to the rank of Archisodality with the faculty of incorporating members throughout all of France. – All of these. – The Cathedral Church of Poitiers is adorned with the dignity of a Minor Basilica by the Roman Pontiffs. – The Church of Saint Amable the Priest in the city of Ricomagen in the diocese of Clermont is decorated with the title of Minor Basilica. – Sacred and illustrious. – The church of the Holy Martyrs Ferreolus and Ferrutius, located near Besancon, is raised to the rank of Minor Basilica in the Archdiocese of Besançon. – The granting of the title of Minor Basilica to the parish church of the Immaculate Virgin in the town of "Faverney" in the Archdiocese of Besançon, for the benefit of the faithful. – The Society of the Most Sacred Heart of Jesus, established in the national church in Brussels, is raised to the rank of Archisodality and is declared Primary for the entire territory of Belgium, throughout the Canadian region. – The Confraternity of Our Lady of the Sacred Heart of Jesus, canonically established in the church of the Missionaries of the Sacred Heart in the province of Quebec, is raised to the rank of Primary Confraternity with the

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faculty of incorporating members throughout the entire Canadian territory. – Special privileges are granted to the pious Union for the First Communion established in the city of Rome.

[*Latin ed. p. 749*]

In chronological order:

YEAR MONTH DAY

1912 April. We have gladly received. – Plenary and partial indulgences are granted to congregations of girls and women named after Saint Elizabeth in the diocese of Varmiensis, and to their benefactors.

May. – Societies of boys of the Most Holy Sacrament, which belong to the Primary Congregation of the City, are dispensed from the clause regarding distance.

27. – A new Apostolic Vicariate of the Maritime Celts is established in China (Tientsin).

21. – To the Arch-Sodalit of the work of Saint Philomena in Paris, it is permitted to permanently incorporate all societies established or to be established throughout the world. This is clearly established.

– A Congregation of the Most Holy Virgin Immaculate, under the title of Queen of the Clergy, in the city of Paris, is established within the Arch-Sodalit, with the faculty of incorporating pious societies throughout the world.

– The Apostolic Prefecture of the Southern Solomon Islands, with altered boundaries, is raised to the rank of Apostolic Vicariate.

– A bishop of the Ruthenian rite is appointed to provide spiritual assistance to the Ruthenians residing in the Canadian region.

25. – A Constituting Act is issued for the Arch-Confraternity of the pious Sodalit of the Blessed Virgin Mary of Consolation, in Augsburg, with the faculty of incorporating pious societies throughout the world.

9. – The Proto-Monastery of Saint Clare in Assisi is enriched with special privileges.

7. – With our approval.

– Partial indulgences are granted to the faithful of the Republic of Mexico, who recite prayers in honor of the Virgin of Guadalupe.

16. – Special privileges and faculties are granted to the Augustinian Recollect or Discalced Congregation of Spain and India.

30. – To the minds.

– The Sodalit of Saint Catherine, virgin and martyr, canonically established under the patronage of Our Lady, Mother of Good Studies, in Paris, is granted the title and privileges of an Arch-Sodalit.

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May, June, July, August, September, October, 1910.

December, 1911.

LETTERS.

With our concern.

– To the Most Reverend Father John Baptist Castro, Archbishop of Caracas, concerning the restoration of the discipline of the clergy in Manila.

– To the Most Reverend Father Joseph Noval, a Dominican, Rector of the pontifical stud-

[*Latin ed. p. 750*]

750 IN THE YEAR 1911-1912 Index of documents. MONTH DAY Oct. 25 Dec. 20 [and Feb. 12, March 10], concerning the University of Manila, named after Saint Thomas, on the occasion of the third centenary since its founding. We have received this. - To Father Pacificus, of the Order of the Friars Minor Capuchin, Minister General, concerning the College of Saint Lawrence of Brindisi in Rome. Very well. - To the Most Reverend Rudolph Hittmair, Bishop of Linz, for his pastoral diligence, greetings. Indeed, most praiseworthy. - To the Most Reverend Anthony Fiat, Superior General of the Congregation of the Vincentians, and moderator of the Archsodality named after the Agony of the Lord, for the purpose of offering congratulations. Certainly not to be omitted. - To James Cardinal Gibbons, Archbishop of Baltimore, concerning the Catholic University of Washington. We have received this. - To Leo A. Cardinal Amette, Archbishop of Paris, concerning another gathering of catechists from all of France, to be held in Paris. We are very pleased. - To the Most Reverend Mauritius Demimuid, Apostolic Protonotary, General Moderator and President of the Primary Council of the Society of the Infant Jesus, for the purpose of offering congratulations. We greet you paternally. - To Cardinal Claudius Vaszary, Archbishop of Gran, who is completing his eightieth year, for the purpose of offering congratulations. Know that we are most grateful. - To Father Aloysius Yabar, S.J., moderator of the Pontifical College of Pius Latin-American in Urbano, who, in the name of Saint Bartholomew, has presented a copy of the book on the work of the "Apostolate of Prayer and the Covenant of the Sacred Heart," founded forty years ago in Brazil. We have learned this from common sources. - To the Most Reverend Archbishops and Bishops of Bavaria, for the letters of obedience sent to the Most Blessed Father after the recent gathering in Munich. Indeed, it is so. - To the Most Reverend James Calasanctius Witthy, moderator of the religious institute of the Irish "Christian Brothers," for the purpose of offering congratulations. We respond readily. - To Joseph Mary Cardinal Cos y Macho, Archbishop of Valladolid, concerning the Catholic catechistic gathering to be held in Valladolid. We are pleased indeed. - To the Most Reverend Silverius Gomes Pimenta, Archbishop of Marianna, for the fiftieth anniversary of his priesthood, for the

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purpose of offering congratulations.

[*Latin ed. p. 751*]

In chronological order. YEAR MONTH DAY

1912 April 20 May June July

We had cause for joy.

- To the Most Reverend Father Anthony Adolph Perez, Bishop of Saint Savior in America, after the diocese's first Catholic convention was happily celebrated.

- To the Reverend Father Philip Flechter M.A., Moderator of the sodality called "of Our Lady of Ransom," on the occasion of the twenty-fifth anniversary of the founding of the sodality itself.

- To the Reverend Father Joseph Fagnano, of the pious Society of Saint Francis de Sales, Apostolic Prefect of Southern Patagonia, on the occasion of the twenty-fifth anniversary of the founding of the first mission house in "Punta Arenas" by himself.

- To the Most Reverend Father James Duhig, Bishop of Rockhampton, concerning the fiftieth anniversary of that church's sacred solemnities.

- To the Most Reverend Father Leopold Fonck, S.J., President of the Pontifical Biblical Institute, concerning the formula for awarding diplomas to students who have deservedly earned them, by the apostolic authority of the same Institute.

- To the Most Reverend Father Paul Peter XIII Terzian, Patriarch of Cilicia of the Armenians, concerning the injury inflicted upon the Church and the patriarchal See.

14 Not long afterwards.

- To the Most Reverend Father Francis M. Gieure, Bishop of Bayonne, on the occasion of the coronation of the Blessed Virgin "du Beau Rameau," at the temple of BÃ©tharram.

- To His Eminence Andrew Cardinal Ferrari, Archbishop of Milano, and to the other Archbishops and Bishops of the Lombardy region, on the occasion of the letters which, gathered in Rho, they sent to the Most Blessed Father, out of devotion.

- To His Eminence Julius Cardinal Boschi, Archbishop of Ferrara, and to the other Archbishops of the Flaminia region, concerning the common letter which, gathered in Bologna, they inscribed to the Most Blessed Father, for the sake of devotion.

- To the Most Reverend Father Louis Ernest Dubois, Archbishop of Bourges, concerning the pronunciation of the Latin language according to the Roman usage.

- To Anthony Cardinal Fischer, Archbishop of Colon, on the occasion of the Marian convention held in Treves.

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- To Doctor M. Winauds, the first president of the Catholic convention of Aquisgran, from Germany, concerning the main topics to be discussed at the convention.

[*Latin ed. p. 752*]

In the Index of documents, YEAR MONTH DAY: 1912 August 10, 15, 27, 30; September 10, 12; October 11, 18.

By grateful acknowledgement: To the Reverend Father Joseph Gredt, of the Order of Saint Benedict, for his work on the elements of philosophy, presented reverently to the Most Blessed Father.

For the solemn occasion: To William Cardinal van Rossum, to whom the office of Pontifical Legate at the Eucharistic Congress in Vienna is entrusted. Nothing more.

To the Reverend Father Hadrian Munier, priest of the Society of Jesus, for the published work *Vers l'éternelle beauté*, which is praised, and the remaining part of which may be dedicated to the Most Blessed Father. By most courteous letters.

To the Reverend Doctor John Vincent Tasso, Bishop of Augsburg: concerning the diocesan synod held by him. Vehemently to us.

To the Reverend Doctor Dominic Vicentini, priest, Director of the Institute founded by Saint Charles for Italian emigrants, on the occasion of the celebrations in memory of John Baptist Scalabrini, the founder of that work. The Third Franciscan Order.

To the Reverend Fathers Pacificus Monza, Victor Mary Sottaz, Pacificus of Seiano, the Generals of the three Families of the First Order of Minorites, concerning the careful regulation of the Third Order, so that in no matter may it deviate from the Institute. It has been.

To the illustrious man Gustav Théry, lawyer, for the fiftieth anniversary of his marriage. Before the diocesan synod.

To the Reverend Doctor Francis Ciceri, Bishop of Pavia, concerning the diocesan synod held by him. Soon to you.

To the Reverend Doctor John Cuthbert Hedley, Bishop of Newcastle, on the happy recurrence of the fiftieth year of his priesthood, therefore, greetings. From letters.

To the Reverend Doctors Charles Castelli, Archbishop of Fermo, Camillus Moreschini, Archbishop of Camerino, and other Bishops of the region of Picena Inferior: concerning their annual meeting recently held. With great emotion.

To Your Eminence George Kopp, Cardinal Priest of the Holy Roman Church, Bishop of Breslau, having happily completed ten years of priesthood and five years of episcopacy, for the purpose of offering congratulations. From the beginning.

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To Peter Cardinal Respighi, Vicar in the City, concerning the *Catechism of Christian Doctrine* recently published by his order, and to be transmitted throughout the entire ecclesiastical province of Rome henceforth.

[*Latin ed. p. 753*]

753. Chronologically arranged. YEAR MONTH DAY 1912 November 14. From letters. - To George, Cardinal Kopp, Bishop of Breslau, concerning a letter full of veneration, given by him together with other Bishops of Germany, to the Most Blessed Father. . . . VII. 1912 April 14. November 18. - ADDRESSES. I thank you. - To the boys who are receiving the Holy Communion for the first time, who, having come to venerate the Apostolic See, are pilgrims from France. . . . I thank you. - To the priests devoted to the association "L'Unione Apostolica," on the fiftieth anniversary from the beginning of said association. II. - ACTS OF THE SACRED CONGREGATIONS I. 1912 March 9. June 21. September. - SACRED CONGREGATION OF THE HOLY OFFICE. Declaration and retraction of the Reverend Father Cyril Macarius, formerly Patriarch of Alexandria of the Copts. . . . Decree concerning dispensations regarding the impediment of disparity of cult, which should never be granted without due caution. Decree concerning a dispensation regarding the impediment of disparity of cult, granted without due caution. Decree concerning the assistance of parish priests in mixed marriages, in which the prescribed cautions are stubbornly rejected by the contracting parties. Decree by which certain freedoms and registrations are prohibited. SECTION ON INDULGENCES. 1912 June 13. July. August. ACTS. - Vol. IV. No. Summary of indulgences and privileges granted by the Supreme Pontiffs to the venerable Archiconfraternity of Christian Doctrine, canonically erected in the church of Saint Mary of Tears in the City. A plenary indulgence is granted in honor of the Blessed Virgin Mary, Immaculate, to be obtained on the first Saturday of each month. Decree concerning indulgences attached to the feasts of the Saints. Decree concerning indulgences attached to the pious exercise of the Way of the Cross. Indulgences are granted in honor of Saint Anne, mother of the Blessed Virgin Mary, the Mother of God. 30-12-912. 54.

[*Latin ed. p. 754*]

754 Index ANNO 1 MENSE documentorum DIE PAG. 1 1912 Aug. 29 Conceditur orationem « Obsecro etc. » recitantibus, remissio defectuum et culparum quas in sacrosanctae Missae sacrificio litando contraxerint. . . . II. - S. CONGREGATIO 642 CONSISTORIALIS. 1912 Ian. 25 Decretum circa relationem super modernismo a locorum Ordinariis S. Sedi exhibendam Decretum circa iusiurandum Examinatorum synoda- » Febr. 15 » » 19 » Mart. 10 De modo Capituli indicendi ad Vicarium capitularem eligendum . . . LIMERICENSIS. De cathedralis ecclesiae eiusque Capi- » Apr. 20 TARBIENSIS. 22 Epistola ad R. P. D. Ioannem Baptistam Correa Nery, Episcopum

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Campmensem, de Seminariis dioecesanis 101 141 INTERAMNENSIS ET NARNIENSIS. 175 176 Adiectionis tituli episcopalis Lapurdensis 338 » 339 » » » » » Maii Iunii 20 29 Decretum de loco residentiae episcopi Aturensis. . BISUNTINA. Erectionis in Collegiatam ad honorem. . Decretum de quibusdam rei Biblicae commentariis in » Iulii 16 Litterae Circulares ad Rmos Ordinarios Italiae, de Se- » » » Aug. Dec. 12 » 10 De Decreti Maxima cura per Australiam vigore. . Acta Consistorii prout edita sunt ipsa Consistorii die. Decretum circa actiones scenicas in ecclesiis. . . . 365 366 530 491 2 III. 1912 » Iunii Dec. 3 - S. CONGREGATIO Decretum circa impedimentum ex adulterio cum attentatione matrimonii proveniens . . . . . 15 » » 16 1912 Ian. Febr. 27 » » » » Mart. Maii Nov. 25 16 3 28 724 403 725 IV. - S. CONGREGATIO Dec. 696 DE SACRAMENTIS. 23 1911 531 CONCILII. Dubium circa interpretationem eorum quae Motu Proprio Supremi Disciplinae de diebus festis, die 2 iulii anno 1 9 1 1 edito, statuta sunt 54 215 et ALIARUM. Concursuum Paroecialium. . Dubium circa vigilias festorum sancti Iosephi et Annuntiationis B. M. V LAQUEDONIEN. Iuris suffragii (per summaria precum) Litterae circa dies festos. De Communione in ecclesiis non parochialibus, etiam regularibus, in die Paschatis fidelibus adminiBRIXIEN, 296 142 404 340 726

[*Latin ed. p. 755*]

755. Chronologically arranged. YEAR MONTH PAGE DAY. V. 1911 1912 Dec. Jan. » » 6 16 19 Feb. 1 » Aug. 15 » Sept. 1 » » » » » » » 10 - » » Dec. March April June 18 20 30 28 » Aug. 13.

CONGREGATION FOR RELIGIOUS. Doubts concerning the Third Secular Order of St. Francis. Doubts concerning the Tertiaries of Carmel. ROMA. Clerics Regular of the Mother of God. Concerning Laura and doctoral privileges. . . . . ROMA and OTHERS, declarations and decrees. Among others, concerning military service with regard to religious. Decree concerning the postulancy in monasteries with solemn vows. Concerning Communion for the sick in enclosed monasteries. Doubt concerning indulgences of abstinence and fasting relating to religious. Doubt concerning religious with solemn vows, living temporarily outside the cloister. Decree concerning the permission to make religious profession in the event of mortal danger.

VI. SACRA CONGREGATION FOR THE PROPAGATION OF THE FAITH. Decree concerning the division of the Apostolic Prefecture of Uellensis. Decree concerning the alteration of boundaries. Decree concerning the alteration of limits. Decree. The limits of the Apostolic Prefecture of Zambeze to the East are changed. Decree. The Apostolic Prefecture of Nygata is established and granted to the Society of the Divine Word "of Steyl."

VII. SACRED CONGREGATION FOR THE PROPAGATION OF THE FAITH FOR ORIENTAL RITES. 1912. Jan. 1 » June 15. To the Ordinarys of the Latin Rite, concerning not permitting Oriental [persons] to receive

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alms without the permission of this Sacred Congregation. To the Superiors General of Institutes of religious of the Latin Rite, concerning the manner to be observed before admitting Orientals into their Societies.

VIII. SACRED CONGREGATION FOR THE INDEX. 1912. » » » Jan. Feb. May 22 1 9 » » Decree by which certain works are prohibited. Decree by which a certain work is prohibited. Decree by which certain works are prohibited. Doubt. . . .

[*Latin ed. p. 756*]

756 ANNO Index MENSE DIE IX. 1911 September » December » » » 1912 January » » » » » » » February » » » » » » » » » » » » » » March » » » » » April » » » » » documentorum 6 - SACRED CONGREGATION FOR RITES. Decree concerning the beatification and canonization of the Venerable Servant of God, Benvenuti Bambozzi, a professed priest of the Order of Friars Minor Conventual. 13. Decree concerning the beatification and canonization of the Venerable Servant of God, Sister Maria Theresa Haze, Foundress and first Superior of the Congregation of the Daughters of the Cross. 30. Of ROMA and OTHERS. Concerning the Doxology, the First Collect, and the Proper Preface to be used when celebrating the feasts of the Blessed Virgin Mary, in the manner of simple compositions. 15. Decree concerning the granting of the faculty to bishops to decorate the Octave with a double major feast. 23. Throughout the CITY and the WORLD. Changes to be made in the Roman Breviary and Missal, according to the Motu Proprio concerning feast days, the Decrees of the Sacred Congregation, July 24th and 28th, 1912, and the Apostolic Constitution, Divino afflatu. 26. Decree concerning the proper antiphons for simple feasts. 28. Notice concerning the signatures required in documents of the Sacred Congregation. 3. Circular letters concerning funerals for the deceased in the Tripolitan War. Decree concerning certain Sunday feasts previously observed in MULTIPLE DIOCESES. Various doubts. 24. Decree of interpretation of the rubrics, according to the Bull Divino afflatu. 28. Of CONCHENSIS. Decree concerning the beatification and canonization of the Venerable Servant of God, Sister Angela Maria of the Conception, Reformatrix of the nuns of the Order of the Most Holy Trinity of VENETIA and PATEVINA. Canonization of the Blessed Gregory, formerly Bishop of Bergamo, and afterwards of Patavina. OF THE ORDER OF PREACHERS. Concerning the privilege of processions with the Most Holy Sacrament. Doubts 9. Of STRIGONIEN. Doubts 22. Of EGITANIEN. Doubts. Decree or Declaration concerning the new rubrics. 10. Blessing of a machine for extinguishing fires. Solemn blessing of a new fishing vessel. 19. Decree concerning new rubrics. Of LAURETANA. Concerning honorary chaplains. Of AUXIMANA.

[*Latin ed. p. 757*]

757. Chronologically arranged. MONTH DAY: April 15; May; June; July

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12, 17, 21, 10; August.

FRANCE AND ITS COLONIES. The feast of Saint Joan of Arc in France is raised to the rank of a double feast of the second class. Decree prefixed to Volume VI, or Appendix I (from the year 1900, number 4052, to the year 1911, number 4284), of the work entitled: "Authentic Decrees of the Congregation of Sacred Rites, collected from its acts, and promulgated by its authority."

NAPLES. Decree of beatification and canonization of the Venerable Servant of God, Emanuel Ribera, a professed priest of the Congregation of the Most Holy Redeemer. Circular letters to the local Ordinaries regarding the proper diocesan offices concerning the privileges that are customarily granted by the Holy Pontiff, through a rescript of the aforementioned Congregation, during a solemnly celebrated triduum or octave within one year of beatification or canonization.

THE SOCIETY OF MISSIONARIES OF THE SACRED HEART OF JESUS. Doubts. Decree or declarations concerning new rubrics.

TODI. Reduction of feasts.

SEYNEN AND OTHERS. Doubts. Decree concerning the modification of monosyllabic or Hebrew words in the Lessons, verses, and Psalms.

FALISCODUNEN. Decree of beatification and canonization of the Venerable Servant of God, Lucy Filippini, Foundress and Superior of the Institute of the Piarist Sisters, now called by that surname.

SEVERAL DIOCESES. Concerning the conclusion of Matins and the beginning of Lauds for private recitation during the triduum of the Death of Christ and in the Offices for the Dead. Instruction or response of the Sacred Rites Congregation to the local Ordinaries or Superiors of Orders or Sodalities, concerning the request for the reform or expunction of certain feasts from their proper calendars.

PISCIEN. Return to the calendar of the universal Church.

DIOCESES 2, 14. VICARIATE. October, November 11, 14.

NYANZA NORTHERN (AFRICA CENTRAL). Decree of beatification or declaration of martyrdom of twenty-two Venerable Servants of God, Charles Luanga, Mathias Murumba, and companions, commonly known as "of Uganda," who, as is said, were killed out of hatred of the faith.

ROME AND OTHERS. Concerning the recitation of the Lord's Prayer and other prayers before the Office for the Dead.

Decree concerning the judicial order to be observed in causes of Servants of God proceeding through the way of exceptional cause.

Warning concerning the effects of the writings of Sigismund Ruschitzka.

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TRALIS.

[*Latin ed. p. 758*]

Index 758 YEAR MONTH 1912 December 6 » » » » 8 documents DAY 11 PAGE 727 Decree of approval of the daily Antiphonal of Rome. LAURETANA. Concerning the title with which the esteemed Chapter enjoys. 729 X. - SACRED CONGREGATION FOR EXTRAORDINARY ECCLESIASTICAL AFFAIRS. 1912 October 12 Concerning pensions in Hispania from the public treasury for the clergy. » » November 29 Declaration concerning certain books published in Hispania. Declaration concerning the indulgence of abstinence and fasting 645 13 707 730 III. - TRIBUNALS. I. - SACRED ROMAN ROTA. Nullity of marriage (Andrassy-Szé- 1911 June 2 » » » » August September November 12 2 32 25 119 » 29 » » December 9 » 29 1912 January 9 » 10 Several final sentences issued under seal. » » 11 OSNABRUGEN. 24 » 27 February March 23 VESZPRIMIEN. 108 85 Nullity of marriage (Reid-Parkust). Nullity of marriage (Boni-Gould). RAVENNATEN. Nullity of marriage (Pasolini-MonBALTIMOREN. 157 NEO-EBORACEN. 146 327 249 29 » » » » » » » » » 11 » 16 April 2 » 30 May 1 » » 31 » June 10 » » » 28 July 1 » » 17 Nullity of marriage (Harck-Gärtner). 182 341 Nullity of marriage (Mollard-Varigault). ARGENTINEN. Nullity of marriage (Schmitt-Schmitt). TARVISIN. Nullity of marriage (Caberlotto-Berengan) LAUSANEN. and GENEVEN. Defamation. SEDUNEN. Dismemberment of a parish. . . . . WESTMONASTERIEN. Property. TRANSYLVANIEN. Nullity of marriage (Peter-Nagy). COLONIEN, or MONASTERIEN. Suspension and jurisdiction. PARISIEN. 277 377 503 420 450 539 474 591 Nullity of marriage (Hospelt-Bernardth). LUGDUNEN. Nullity of marriage (Rognin-Saillet). COLONIEN. Nullity of marriage (Ziebe-Laube). GRATIANOPOLITANA. Nullity of marriage (ReynierCOLONIEN. 629 646 670 675

[*Latin ed. p. 759*]

In chronological order. YEAR MONTH DAY 1912 August 3 10. Translation of the holy image. Nullity of marriage (Castagnier-Monnier). MARSEILLE. II. 1912 February 20. March 6. April. August 15 20. - APOSTOLIC SIGNATURE. Restoration in full regarding the granting of archpriestly rights. Rules to be observed in judgments before the Supreme Tribunal of the Apostolic Signature, approved and confirmed by Pope Pius X of MONREALE. Restoration in full and rights. MELETIANA (MELITE). Funeral or nullity sentence, total. ANDRIEN. IV. - SECRETARY OFFICES OF THE STATE. LETTERS. 1911 December 13 20. 1912 January 15 16. To the Reverend Father Ernest Dubois, Archbishop of Bourges, concerning the necessity of returning to scholastic philosophy. To the Reverend Father Janvier, O.S.D., who presented to the August Pontiff, as a specimen of devotion, the volume of the nine sacred prayers which he

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himself recited in the metropolitan church "Notre-Dame" in Paris. To the Reverend Father Francis M. Delamaire, titular Archbishop of Metynaeum, Coadjutor of Cambray, who sent to the Most Blessed Father, reverent and noble Catholic letters. To the Reverend Father John A. Chollet, Bishop of Verdun, for the book "Les Enfants - Question du temps présent," offered to His Holiness as a testimony of devotion. To the Count de Mun, on behalf of the work which he directs, "des Cercles Catholiques d'Ouvriers," for the filial veneration offered to the Most Blessed Father on the occasion of the Nativity of our Lord. To the Reverend Father Vicentini, Superior General of the Institute of the Missionaries of Saint Charles, whose zeal for Italian emigrants deserves merit. To the Reverend Father Clapier, parish priest of the place "Beaussel," for the book reverently presented to the Most Blessed Father. To Francis de Paula Cardinal Cassetta, for the solemn commemoration of the sixteenth century since the edict of Emperor Constantine, 759.

[*Latin ed. p. 760*]

760 Index of Documents, YEAR MONTH DAY 1912 January. To the Reverend Father Pius M. Bagnoli, Bishop of Marsorum, who reported to the Most Blessed Father by letter that he would soon begin the first pastoral visitation. 30 To His Eminence, Cardinal Amette, Archbishop of Parisiensi, for the exemplary prayer offered to the clergy and people of Paris, presented reverently to the Most Blessed Father. 15 To the Reverend Father August Dubourg, Archbishop of Rhedonensi, following the synod held in the Rhedonensi archdiocese the previous year. 24 To the Reverend Father Humbert Everest, O.P., Prefect of the English Province of the Dominican Fathers, for the exemplary translation into English of the first volume of the Summa Theologica of Saint Thomas Aquinas, presented reverently to the Most Blessed Father. To the Reverend Father C. Zocchi, S.J., for the books presented reverently to the Most Blessed Father, as a filial act of veneration. To the Reverend Father Eugene Bodin, of the Congregation of Missions, for the exemplary work recently published, "Edition du nouveau Testament. Teste grec-latin," presented reverently to the Most Blessed Father. To the Reverend Father Frederick Fuzet, Archbishop of Rothomagensem, who, as a filial act of veneration, presented to the Most Blessed Father a copy of his letter, "L'Apostolicité des Eglises de Provence." To the most illustrious Count Keller, President of the 23 Catholic Committees "de Défense Religieuse" in Gallia, for the annual report on the works accomplished by the aforementioned Committee. To the Reverend Father Canon Tissier, General Vicar and Archpriest of the Cathedral of Carnutensis, for the expression of gratitude for the volume on the moral and religious perfection of youth, sent reverently to His Holiness as a filial act of devotion. To the Reverend Fathers Canons Dubarat and Daranatz, who, as a filial act of veneration, presented to the Most Blessed Father a copy of the work published

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by them, entitled "Recherches sur la ville et sur l'église de Bayonne." To the distinguished Lady Baroness de Montenach, who holds the office of president of the Catholic Society for the protection of youth, on the occasion of the sixth Congress of the same Society, held in Augustae Taurinorum. To the Reverend Father Ignatius Monterisi, Bishop of Potentium and Marsicensem, for the first convention of Catholics of Lucania. February, March, April, May, June. Page 163, 133, 164, 164, 334, 335, 355, 356, 393, 394.

[*Latin ed. p. 761*]

In chronological order:

YEAR MONTH DAY

1912 July September 14 October November 19

To the Most Reverend Father Charles M. A. de Cormont, Bishop of Ature, concerning the book entitled "La vocation sacerdotale," published by the Reverend Canon Joseph Labitthon, of the same diocese.

To the distinguished Lord Maximilian Zara, President General of the Society of Saint Paul for the dissemination of Catholic books, concerning the assets of the same society in the city.

To the Most Reverend Father Bougoinn, Bishop of Petrocoricensem and Sarlat, as a token of filial obedience, on the occasion of the third diocesan congress, presented to the Most Blessed Father in writing.

To the Most Reverend Father Lenert, parish priest of Saint Nicholas of Chardonnet, Paris, who presented to the Most Blessed Father two volumes of conferences, as a filial act of veneration.

To the Most Reverend Father Meunier, Bishop of Ebroicensem, concerning a diocesan congress to be held in the city of Pont-Audemer.

To the Most Reverend Father Meunier, Bishop of Ebroicensem, on the occasion of a Eucharistic congress to be held soon in the city of Louviers.

To the Most Reverend Father Ezechiel of the Sacred Heart of Jesus, Prior General of the Discalced Carmelites, who reverently offered to the Most Blessed Father, out of devotion, volumes of the spiritual works of Saint John of the Cross, newly published.

To the Reverend Canon E. Janvier, for the work of "gratiarum actiones" concerning ten volumes of conferences held in the cathedral church of Paris, reverently offered to the Most Blessed Father.

V. - PONTIFICIAL COMMISSION FOR BIBLICAL MATTERS.

1912 June

Concerning the Author, the time of composition, and the historical truth of the Gospels according to Mark and according to Luke.

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Concerning the Synoptic Question, or the mutual relationships between the three first Gospels.

#761

[*Latin ed. p. 763*]

INDEX ANALYTICUS

Abstinence: Bishops can grant dispensation from abstinence on solemnly celebrated suppressed feasts, 341; Prescribed by Church laws, dispensation for religious is granted in various places through Indults, but not for those prescribed by their enough rule, 626-627; Its dispensation for Latin America also applies to the Antillean islands, 730.

Accession to movable property, how it is done, 735.

Action reconventionalis is admitted even in the style of the Rota, 423, and following pages.

The Diocesan Council of the Catholic Action in the City is subordinate to the second Vicariate Office, 17.

Approval of books, see Book.

An assessor for disciplinary matters of the clergy and the Christian people is established in the City, 6; his province, 9 and following pages.

Adultery with a married woman, see Impediment.

"Thy kingdom come": A work with this title is included in the Index, 56.

The Agony of Our Lord Jesus Christ (Archisodalitas ab), praised for its intention, 269.

Saint Agnes (V.M.), the second nocturnal readings, historical, should be read as the ninth reading, if the feast is reduced to a simple one, 419.

The Roman Territory (Delegatus ad), 19; through him, parishes are established, 437.

Alajos Issóf; a work of his is included in the Index, 369.

Amabilis (S.), the church in the city of Ricomagen, in the diocese of Claramont, renowned for its relics, antiquity, and monuments, with a significant attendance of clergy and people, is declared a minor Basilica, 209.

RERUM NOTABILEM

Latin America: The condition of the Indians must be addressed, 521 and following pages, see Indians; Regarding abstinence and fasting, religious can use the Indult recently granted by the Secretariat of State, 627.

Cardinal Leo A. Ammette, Archbishop of Paris, receives a letter in which the work by the Catechists is praised on the occasion of another meeting to be held in Paris, 100; also, a copy of the speech given to the clergy and people in Paris was presented to the Most Blessed Father, 133.

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The cause for beatification of the Reformed Nuns of the Order of the Most Holy Trinity, Angela Maria de Conceptione, is introduced, 179.

Saint Anne (S.), mother of the B.V.M.: Certain pious exercises in her honor are granted indulgences, 723.

The Antillean islands are included in the Indult granting dispensation from abstinence and fasting for Latin America, 730.

A new edition of the Roman Daily Antiphonal is approved, 727.

The Ordinary loses jurisdiction over lay institutions in the City due to pontifical grants, 14.

The Apostleship of Prayer and the League of the Sacred Heart, see Taddei.

An appeal from the second instance to the third instance is not admitted unless something new is revealed, and it is up to the judge to determine whether this is the case, 158.

The Sacred Archaeology (Coetus ab) in the City is added to the first Vicariate Office, 9.

Archiconfraternities are established: of Saint Catherine, in Paris, 689; of the B.V.M. "of consolation" in Augsburg, 721; of the B.V.M. "of supreme pardon" in the diocese of Nevers, 173; of the B.V.M. Immaculate Queen of the Clergy, in Paris, 439; of the Perpetual Holy Hours of Gethsemane, in that place.

[*Latin ed. p. 764*]

764 Index analyticus rerum notabilium. Life in Toulouse, 137; St. Christopher, in the town of "St-Christophe le Jajolet," 172; the Most Sacred Heart of Jesus in the national temple in Brussels, 265; the Holy Rosary in the town of "Moiano," 97. Archdiocesan or Archconfraternity, Confraternity, Sodality: of the work of St. Philomena (see Philomena); of the Agony of the Lord Jesus Christ (see agony); of Christian doctrine (see doctrine); Holy Hours (see). Archivist in each section of the Vicariate, 22. Armenian Catholics, who admit to the infamous Patriarchal seat, are excommunicated; and their administrative council is declared illegitimate, 400. Sacred Art (Commission), established in the City, subject to the first office of the Vicariate, 9. Adultery after marriage, see Impediment. The seat of the bishop of Ature is ordinarily in the city of Ature, but for a time it will be in the city of "Dax," 365. An auditor for judicial matters is established in the City, 6; the diocesan Official Court is held: its functions and regulations, 19. — Vicariate in the City: the office is suppressed, 6. The Congregation of Augustinian Recollects of Spain is enriched with special privileges and faculties, 617. Australia is subject to the provisions of the decree "Maxima cura," 531. The newspaper "Avvenire (L')" d'Italia is declared not to conform to the directives of the Holy See, 695. Unleavened bread in the Eucharist, 610 et seqq. Bagnoli Pius, Bishop of Marsorum, receives a letter in which the Most

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Blessed Father congratulates him on the first pastoral visit to be held soon, and encourages the people to receive the spiritual benefits from it, 163. Bamboszi Benvenutus (Ven.): born in Auximi, he is incorporated among the Minor Conventuals, is ordained a priest, is elected Vicar of the Holy Office, dedicates himself to the ministry among the people, and peacefully rests, 27; investigations are made into his life, and his cause is introduced with the Holy Congregation of Rites, 28. Baptism can be administered to children at home, with the approval of the Ordinary, 725. Barbadicus Gregory (B.) see Gregory. Smaller basilicas are declared churches: the Cathedral of Pictavien; St. Peter the Apostle, 264; St. Amabilis in the city of Ricomagensi, 209; Sts. Ferreoli and Ferrutius near Besancon, 210; the Immaculate Virgin "de la Blanche" in the town of Faverney, 56; the Proto-monastery of St. Clare, 563; the Sanctuary of St. Mary of the Rocks, 555. The prelates of Bavaria receive thanks from the Most Blessed Father in a letter, after they had presented to him letters of obedience gathered in Munich, 139. Beatification: Privileges are usually granted by the Holy Roman Church within three years of beatification, 417; — what constitutes an equivalent beatification, and what must be observed in it, 705 et seqq. A blessing is approved for a machine used to extinguish fires, 370; — also for a new fishing vessel, 373. Benefices: — in the City, they are not conferred except with the consultation of the Eminent Cardinal Vicar, 11; — it is permissible to give suffrage for their conferral to relatives and affines, 405 et seqq. Bétharram see Gieure. Biblical Institute, under what form diplomas are conferred to students, and with what privileges, 471. Bodin Eugenius is commended for the Greek-Latin text of the New Testament that he published, 335. The temple of St. Joseph in Buenos Aires, distinguished by its immense structure and works of art. It is decorated with the title of a minor basilica, 50. Boschi Julius, Cardinal Archbishop of Ferrara, and other bishops of the region of Flaminia, receive a letter in which the Most Blessed Father expresses his gratitude for their common letters, and declares the action of the clergy, moderated by the bishops, to be very useful, 528. Bougoüin Louis Prosper, Bishop of Petrocorensis and Sarlatensis, receives a letter in which the things that were accomplished in the third diocesan congress are praised, especially the so-called "confessionalité des œuvres," 714, and the place that they should have in the works for the formation of young people, such as gymnastics and theatrical performances, 715. Some rubrics of the Roman Breviary are changed, 57; in the beginning and in the Calendar, 58 et seqq.; in the Proper of the Time, 66; in the Proper of the Saints, 70; in the Common of Feasts, 73; in the General Ecclesiastica

[*Latin ed. p. 765*]

Index of Notable Matters. Sacred Congregation, and other departments, 77. The Brownsville vicariate apostolic is erected as a diocese, named Corpus Christi, 338. Brussels: The Society of the Most Holy Heart, established

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in the national church, is erected into an archisodalit, for Belgium, 265. Caesarea (S.): The church in the diaconal palace, with privileges granted by Clement VIII, is abolished, 469; it is made a titular cardinal's see, so that the cardinal may again care for the splendor of worship and the salvation of souls, 470. The Calcuttensis archdiocese cedes a small territory to the Tibetan apostolic vicariate, 272. Calendar, see Calendar. The Catholic association of Cameracensis is praised and approved, 93. Campinense Seminary: The Holy Father rejoices at the imminent erection of this seminary, 3ability 339. Canada: The spiritual care of the Ruthenian faithful in the Canadian territory is entrusted to a bishop of the Ruthenian rite, 555. Canons, regarding the election of relatives or affine, see suffrage. Canonization: - Privileges are usually granted by the Holy See within eight days of a year from the canonization, 417; - These are to be observed in causes of Servants of God proceeding by the extraordinary process, 705. The canticle "Magnificat," see Magnificat. Chaplains of sodalities and institutes in the city are to be chosen by the second vicariate office, 10, and usually receive the same remuneration, 14. A gapsarius is established in the city vicariate, 21. Cardinal: Prefect (see), - The Protector of the Order of Friars Minor is, by law, the apostolic delegate of the St. Clare protomonastery, 563; - Vicar (see). "Cartel": Federations of this name are to be preferred over mixed associations among Catholic and non-Catholic societies, 660. Cassetta, Francis of Paula, Cardinal, Bishop of Tusculan, receives a letter concerning the solemn commemoration of the sixteenth century since the edict of Emperor Constantine, for which a governing council is established, 131. Castelli, Charles, Archbishop of Firmano, and other bishops of the lower Picena region, at a meeting soon to be held in Laureti, the Most Holy Father, by letter, expresses his good wishes for new prescriptions for seminaries, 666. Castro, John Baptist, Archbishop of Caracen, receives a letter in which the Most Holy Father rejoices at the hope of better times for the Venezuelan Church, congratulates him on the virtues with which he is endowed, and urges him, along with other bishops, to work diligently to improve the condition of that Church, 23, to care for the discipline of the clergy, to whom the "Exhortation to the entire Catholic clergy" is again presented, 24, to establish and properly manage seminaries, and to foster a more thorough study of the Latin language; to admit clerics more maturely to the Orders, 25. The importance of Christian instruction, 213; a new text is proposed, 690. Catechism: - Of Christian doctrine, a new text is approved and prescribed to be given to the Roman province, 690; - Of Sacred History: The author (P. A. S.) humbly submits the work, already included in the Index, 57. Catechism (Opus a), is praised on the occasion of another meeting held in Paris, from all of France, 100. Catherine (Sodalit of S.), established in Paris under the patronage of the Blessed Virgin, is granted the title of archisodalit and privileges, 689. Causes: - Before the Apostolic Signature, see Apostolic Signature; - For beatification and canonization, proceeding by the extraor-

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dinary process, 705. Celebrations, to be granted by the second vicariate office, 10. Ce-li maritimi (Tien-tsin), the apostolic vicariate, separated from northern Ce-li, is erected, 489. "Catholic Circles," see De Mun. Chollet, John A., Bishop of Virodunen, receives a letter in which thanks are expressed to him for the book offered to the Most Holy Father, 130. Chouilly, L.: A work of his is referred to in the Index, 56. Christopher (S.): The sodality in the parish of "St-Christophe le Jajolet," diocese of Sagiensis, is erected into an archisodalit, 172. Ciceri, Francis, Bishop of Papiensis, receives a letter in which the Most Holy Father congratulates him on the successful holding of the diocesan synod.

[*Latin ed. p. 766*]

766 Index analyticus rerum notabilium. - Decreta sunt, secundum normas Sanctae Sedis, de rebus quae ad actionem populariter dirigendam pertinent, et ea laudantur, 621. Actiones cinematographicae in ecclesiis prohibentur, 724. Defectus citationis: quando non admittitur ut argumentum nullitatis sententiae Rotalis, 189. Clandestinitas, ut impedimentum dirimens matrimonium pro acatholicis, 183. Clapier, parochus loci Beaussel, epistolam accipit ob librum beatissimo Patri exhibitum, 132. Clara (S.) Assisiensis, occasione sollemnitatum saecularium, vita et virtutes laudantur, 557; dicitur vera mater Ordinis Francisci Secundi, 559; filiis eius humilitatis, paupertatis, patientiae exemplar proponitur, 560; locus pretiosae vitae et mortis, 561; itemque sepulturae maxima veneratione digni declarantur, 562, et variis privilegiis augeantur, 563: - Protomonasterium, basilica minor denuntiato, necnon Missae votivae indulto augetur, et illi privilegium exemptionis confirmatur, sub administratione Cardinalis Protectoris Fratrum Minorum, 563, aut, si ipse Pontifex sit Protector, Legati apostolici speciatim eligendi, 564. Claras Iulius .-eius opus quoddam in Indicem refertur, 369. Clausurae Papalis monasteria ingredi valent Postulantes sine venia Sanctae Sedis, 565. Clementi Famianus ab eleemosynarum pro Missis largitione arcetur, 726. Cleri: - corruptio, plebis morum declinationem inducit, 24; - Urbani; disciplina curanda a secundo Vicariatus officio, 6, 9 et seqq.; examinatorum collegium novum erigitur, novisque regulis ditatur, 11; recensio facienda, 11. Clerici ad officium vel beneficium quod diuturnam in Urbe commorationem importat non admittantur nisi de consensu Card. Vicarii, 11. — Regulares a Matre Dei, titulo et privilegiis Doctorum frui valent, sed novo examini subiicere possunt alumnos Congregationem ingredientes, iam laurea doctorali insignitus, 245. Cognati et consanguinei, admittendi ut testes in causis matrimonialibus, 117; licet pro ipsis votum ferre in conlatione beneficiorum, 405 et seqq. Collectae imperatae in Missa, etiam si duae imperantur, adiunguntur quando tres tantum praescribuntur orationes, 275; omittuntur, si post tres orationes dicenda sit oratio Ssmi publice expositi, aut anniversarii electionis et coronationis aut consecrationis

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Papae vel Episcopi, 448, non autem si addatur oratio pro defunctis ad lucrandam indulgentiam altaris privilegiati, 447. Collegia ad Laicorum institutionem secundo Vicariatus officio subduntur, 14; normae, 15; - episcopalia: alumni admitti poterunt in scholis Seminariorum, 495. Collegium S. Laurentii Brundusini (v. Pacificus a Seiano), 662. Color in Mfssa de Dominica vel de feria, etiam hoc anno, debet esse Dominicae vel feriae proprius, 178; sed est de octava, quando officium Dominicae non sumitur de Psalterio sed de octava, 248. Commissarius pro rebus divini cultus et pro Visitatione apostolica in Urbe constituitur, 6; est a secretis commissionis Cardinalium pro eadem Visitatione, 7; eius officia, qua talis, 8. Commissiones Urbanae: pro visitatione Apostolica, 7; ab archeologia, musica et arte sacra, 9; directiva pro sacerdotali ministerio, 11. Communio, in commemoratione omnium fidelium defunctorum administratur in colore violaceo et albo, 323; - annuente episcopo, deferri potest non graviter aegrotis domi degentibus, in forma privata a Benedicto XIV praescripta, 725; - dari in casu necessitatis potest, etiam in fermentato a Sacerdote latino, et in azymo ab Orientali, 615, et recipi, a Sacerdote alieni ritus, excepto Viatico nisi urgeat necessitas, et Communione Paschali, 616: - in die Paschatis administrari potest etiam in ecclesiis non parochialibus, 726; Monialibus infirmis in Monasteriis clausurae papalis, deficiente confessario et capellano, administrari potest ab alio sacerdote, ab episcopo adprobato, cum adsistentia quatuor Religiosarum ab ingressu in clausuram ad egressum ab ea, 626. — Paschalis, a Sacerdote alieni ritus recipi nequit, 616. — prima puerorum: Pia unio ab ea ad S. Claudii in Urbe instituta, 49, erigitur in primariam cum facultate aggre-

[*Latin ed. p. 767*]

Index analyticus 767. Gand, 50; Catholicorum conventus: Aquisgran, v. Communione refectos, Romamque pertinentes; beatissimus Pater, loquens ad pueros Gallos (ad Pont-Audemer), v. Meunier: Lucaniae, v. Monterisi: de praecoci puerorum communio Eucharistica, Vindobonensis, v. Van Rösnis; de angelica puritate eam necessaria disserit, eis gratulatus; gratia hac magna a Deo accepta, 261 et seqq. Cordis Iesu (Ss.): inscriptio ad quandam imaginem prohibetur, 586; Societates in templo nationali Bruxellis instita, 266. Archiconfraternitas erigitur, 267, et primaria declaratur cum facultate alias huiusmodi sodalitates aggregandi in ditione Belgica, 268. « Confessionalità des œuvres » laudibus cumulatur, 714. Confraternitas: Ss. Rosarii, v. Mojano. Corporis Christi (Commemoratio solemnis): nostrae Dñae a S. Corde Quebecensis, Dies octava praefertur duplicibus I classis, excepto festo Ss. App. Petri et Pauli, 64; Infra octavam, occurrente festo duplici, omittitur tertia oratio, 419; Missa de ea in Dom. infra octav. quando fit Processio, non valet pro onere Missae Parochialis, 274; Octava commemoratione gaudet in omnibus festis, 65; Processio fieri potest, de consensu episcopi, etiam ipso die festo, 341. Congregatio Sacra: Rituum, eius rescripte

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nulla sunt, nisi a Praefecto vel Secretario aut eius Substituto subsisae, 84; Studiorum, perdit iura in quibusdam scholis Urbis, 14; Visitationis, Apostolicae supprimitur, 7; scopi, etiam ipso die festo, 341. Congregationes a S. Elisabeth, v. Elisabeth. Corporis Christi dioecesis erigitur, 338. Consanguinei, v. Cognati. Correa Nery Ioann. Bapt., episc. Campinen., epistolam accipit ob Catholicorum conventum Vallisoleti habendum, qua beatissimus Pater episcopos et parochos Hispaniae hortatur ad sacrae catechesis institutionem sedulius habendam, 213. Consociationes ad pia opera in Urbe secundo Vicariatus officio subduntur, 16; opificum (sr.). Consolatione (B. M. V. a), v. Maria. Constantiniana solemnia, v. Cassetta. Credo: non dicitur in Missa de feria ac vigilia, etiam si factum sit officium de festo aut octava symbolo gaudente, 419; in festis secundae classis, si fiat commemoratio festi simplifican symbolo gaudentis, 448. Consultores Urbani ad parochi amotionem adduntur secundo Vicariatus officio pendent, 11. Contumacia vera, sine dolo non habetur, non tollit potestatem appellandi a sententia ipsa contumaciae declaratoria, 600; Cura animarum quid et quotuplex sit, 33; a Capitulis nunc quomodo exercenda, 35.

[*Latin ed. p. 768*]

768 Index analyticus rerum I) Damiani (S.) Monastery: A votive Mass is granted a privilege, 563. Damages inflicted by Auditors: Judged by the Apostolic Signature, 188. Daranats v. Dubarat. Dax will be the residence of the Bishop of Ature for a time, 365. Concerning Charles Francis: He is to be exempted from contributions for Masses from the alms, 726. Concerning Thomas Causons: A certain work of his is included in the Index, 369. Concerning Charles, Bishop of Ature: He receives a letter in which the book "La vocation sacerdotale" is approved, 485. "Défense religieuse" (Society of): See Keller, Defender of the Bond in the City, 20. Deceased: - The praises of the dead, separated from the Matins, how they should begin, 500: The Matins, how it should be concluded if separated from the praises, 499: - The Mass should be recited according to the rubrics, either in the choir or outside the choir, 447, also where, on the first free day of the month, the Office of the Blessed Virgin Mary is to be performed on Saturday, 728. - The prayer for the dead, to obtain the indulgence granted to those who pray at the altar, must always be said on all weekdays and vigils, in the penultimate place, and is not to be considered for the recitation of the collects, 446-447. Francis Delamaire, coadjutor of Cambray, who reverently sent the letters of Catholics to the Most Blessed Father, receives thanks by letter, 93. Delegates of Monasteries in the City: Their duties are described, 13. A delegate is instituted for the Roman territory and is subordinate to the second Vicariate, 19. Mauritius Demimuid, General Superior of the Society of the Infant Jesus, receives a letter in which the Most Blessed Father congratulates him on the danger averted and the fruits obtained, 270. Baroness de Montenach, vice-president of the Catholic Society for the protection of

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youth, receives a congratulatory letter, on the occasion of the sixth congress of the same, regarding the good results and the spirit of the aforementioned work, 462. Count de Mun receives a letter of congratulations and thanks for the letters full of veneration sent to the Most Blessed Father, on behalf of the "Des Cercles Catholiques" work, 162. Noteworthy. Deputies for Seminaries: - To be elected in the Republic of Venezuela, 25: - In the City, they are subject to the second Vicariate, 11. Diaria v. Ephemerides. Dioceses: - Erected: Keameyensis, 337; Corpus Christi, 338; Hajdu-Doroghensis of the Greek-Catholic rite, 430: - Boundaries are determined: Wayne-Castrensis, 338. Disparity of cult: See Impediment. Doctorate degree: See Clerics Regular of the Most Holy Mother of God. Christian Doctrine: - The rights and duties of the Archsodality of Saint Mary in Lamentation are defined, and its constitutions are changed, 18; the indulgences and privileges it enjoys are listed, 587: - A new Catechism is approved (see Catechism): - A Congregation is to be established in the parishes of the City, 17: A diocesan council is instituted, 17. Dolonne (Sac.): A certain work of his is included in the Index, 56. Domicile: - It constitutes the fact of habitation and the intention to remain permanently in a certain place, 328, 676; - It is not lost unless it is certain that one has left the place with an undoubted intention of abandoning it for habitation, 677 et seq.; - It is not acquired by the fact of parents from their adult children, 285: It is not lost by the spouse from the paternal home, unless through a celebrated marriage, 282. Sunday: It must retain its character in the Mass, even this year, 178. - Anticipated: In the praises of the feast day, the antiphon and psalm are taken in the first place, 275. - Before the Octave of the Nativity: The Office or a commemoration should be performed on it, if it falls between December 29th and 31st; otherwise, on the first day, a rite of lesser dignity, 449: - How the rubrics are to be arranged, 67. - On Palm Sunday, the prayers are omitted at the Completion if a commemoration of the dual in the second day of the Greater Week has been performed at Vespers, 419. - To be restored with regard to the Mass, is that which prevents it on that day from the more solemn Office, and prevents votive Masses, even for the dead, 728. - The Second Sunday after Epiphany: How it is to be anticipated if it is prevented, 178, 323; and on that day, the octave is celebrated, omitting the suffrage and prayers, 275. The Major Sundays of the First and Second Class are numbered, 60. Doxology of the Blessed Virgin Mary: To be used on Sundays, when it is a feast of hers, at the end of the

[*Latin ed. p. 769*]

Index analytical of notable matters. Presented in a simple form, except where the proper time and Advent are concerned, 82: even if this feast is perpetually simplified! 106. Messrs. Dubarat and Baranats (Canon.), who reverently presented to the most blessed Father the work inscribed "Recherches sur la ville et sur l'église de Bayonne," receive thanks by letter,

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394. Mr. Aloysius Ernestus Dubois, Archbishop of Bourges, receives a letter praising his dedication to scholastic philosophy, 45; also another praising the efforts of bishops and clergy of Gaul to introduce the correct pronunciation of the Latin language according to the Roman usage, 577. Mr. Augustus Dubourg, Archbishop of Reims; the Holy Father congratulates him on the synod held last year, 164. Mr. Ludovicus Duchesne: a certain work of his is included in the Index, 56; he humbly submits himself, 103. Mr. James Duhig, Bishop of Rockhampton, receives a congratulatory letter upon celebrating the fiftieth anniversary of his church, 441. The "Two Sources" hypothesis regarding the composition of the three first Gospels is not to be admitted, 465. Duplicates: - of the first and second class: the primary and secondary are numbered, 60; their precedence is between them, 64; they cannot be transferred to Sunday, 145; Sundays assigned, how they are to be replaced if they are perpetually impeded, 145. - major: the primary and secondary are numbered, 61; the Octave cannot be observed, 83; how the vespers are arranged if they occur on Saturday, and on Sunday, the feast of the Lord is celebrated, 145. - minor, primary and secondary, which are to be said, 62. The institutions for the education of lay people in the City are subordinate to the second Vicariate Office, 9, 14 and following. Elections of relatives and blood relatives, see suffrage. The congregations of young women named after St. Elizabeth are enriched with indulgences, 363. Emigrants: The work of the Missionaries of St. Charles is recommended for the benefit of emigrants from Italy, 333: - it is instituted in the ACTA of the Holy See, vol. I, V, n. m. - 30-12-912, 769. A new section concerning their spiritual care is added to the Consistorial acts, 526. Ephemerides in the City are to be regulated by the second Vicariate Office, 10: - several are declared not to conform to the directions of the Holy See, 695. The Epiphany of the Lord: - Sunday within the Octave: in the first Vespers, the last psalm will be "Laudate Dominum," 106: - the Octave observes the commemoration, whatever feast may occur, 65. A Bishop: has jurisdiction and power, both in terms of authority and dominance, over religious men and women living outside the cloister by apostolic indult, 627; he can permit the celebration of Mass and the administration of baptism in homes, and also the private distribution of the most holy Eucharist even to those not gravely ill, 725; he is the moderator of the divine cult in his diocese, 735: - prayers for the diocesan Ordinary are omitted in the office by titular bishops; also in Missions, unless there is a privilege; the same name is recited in the Canon, 275. An error of law, even concerning the essence of marriage, does not invalidate marriage, unless it was introduced as a condition, 153. The Eucharist (Ss.) from the beginning of the Church was granted to faithful of other rites, 609; due to errors of the Orientals concerning the unlawfulness of the use of leavened bread, it was forbidden for Latins to receive in fermented bread, 610; which was again permitted by the Council of Florence, 611; until Benedict XIV, 612;

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and Leo XIII, 613; whose prescriptions, due to changed conditions and the greater frequency of Communion, are changed, 614; and it is permitted both to priests, in case of necessity, to administer, 615, and to the faithful outside of Paschal Communion and as Viaticum, in a foreign rite, 616. - It is always administered according to the priest's rite, although the rite of the celebration may be different, 615. - It is celebrated always according to the priest's rite, 615. - It is privately distributed, with the consent of the bishop, to those who are not gravely ill, 725. - It is received, outside of Viaticum and Paschal Communion, according to whatever rite, 616. The Gospel: - St. Luke's, was written entirely by St. Luke, 463, after the Gospel of St. Mark, but before the overthrow of Jerusalem, 55.

[*Latin ed. p. 770*]

770 Index analytica: The Acts of the Apostles, according to the preaching of St. Paul, 464; claims historical fidelity, 464; relations to other Gospels, 465. — St. Mark: It is written by St. Mark in its entirety, 463, after the Gospel of St. Matthew but before the account of the destruction of Jerusalem, according to the preaching of St. Peter, 464; claims historical fidelity, 464; its relations to the other Gospels, 465. — St. Matthew: It was written first, 464; the Greek version substantially agrees with the original text, 465; its relations to the other Gospels, 465. Everest Humbert O.P. receives a letter in which the Most Blessed Father congratulates him on the English translation of St. Thomas' *Summa Theologica* by his religious order, the first volume of which has been reverently presented to him, 164. Examiners: - clergy in the City, 11; - synodal, in the decree concerning removal, they must swear an oath when and with what formula, 141; in cases concerning parishes, they can give judgment on the suitability or relative fitness, 301, 305 et seqq. Excommunication of clergy: what it is, and by what laws it is governed, 251 et seqq. Armenian Catholics are excommunicated for perpetrating wicked acts against the Patriarchal See and authority, 400. The "Exhortation to the entire Catholic clergy" is again presented to the Venezuelan clergy, 24; and to the priests of the Apostolic Union, 694. Ezekiel, Prefect General of the Discalced Carmelites of the Sacred Heart of Jesus, receives a letter for the works of St. John of the Cross reverently offered to the Most Blessed Father, 686. Fagnano Joseph, Apostolic Prefect of Southern Patagonia, receives a congratulatory letter, on the 25th anniversary of when he erected the first missionary house there, 402. Feasts (S.): The Feast of the Lord; it is preferred to the Minor Sunday; when it occurs on a Major Sunday, it is simplified, 248. Faverney: The Temple of the Immaculate Virgin, "N. D. de la Blanche," with an ancient image, a miraculous Host, a crowd of faithful, and notable events; it is declared a Minor Basilica, 212. Holidays: In the Mass, their proper color is observed, even this year, 178; - those that do not allow votive Masses because the Sunday Mass is to be celebrated, 728. - Major, privileged, and non-privileged are counted, 60. Ferracci Valeriano:

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His work on the life of Paula Mandatori-Sacchetti is prohibited, 586. Ferrari Andrew, Cardinal Archbishop of Milan, along with the other Bishops of the Lombard region, receives a letter in which the Most Blessed Father congratulates him on the renewed piety towards the Holy Eucharist among the people, 527; and on the care taken to obtain full obedience to the Apostolic See among those engaged in social action, 528. Feasts of Ss. Ferreoli and Ferrutii: The temple in Besancon, of immense size, with a tomb of martyrs, and marked by the great veneration of the people and the frequent attendance of the clergy, is declared a Minor Basilica, 210; and is raised to the status of a collegiate church in honor of them, 366. Feasts: - of the Lord, and their Octave, and any Sunday that is preferred to a Minor Sunday, 65. - of the universal Church, major or minor, sometimes celebrated on Sundays, to be restored in their primacy, 106. - of the same person, how they are to be ordered in the occurrence and celebration, 65. - movable, when and how they are to be transferred or reduced to a simpler form, 322. - particular ones cannot be omitted without the consent of the Holy Roman Church, 178. - primary and secondary are counted, 60 et seqq. - simplified, even perpetually, if they impede suffrage, prayers, the "Quicumque," and the third prayer, 106. - of Patrons or similar, how they are to be celebrated, 65 et seqq. - they have only been suppressed with regard to the precept, the solemnity remains, 340; and the bishops can dispense from fasting and abstinence on those days, 341. Fiat Anthony, moderator of the archisodalitiy of the Agony of the Lord, receives a letter in which the Most Blessed Father congratulates him on the end of the effort by the same archisodalitiy to procure tranquility for the Church, and eternal salvation for dying brothers, 269.

[*Latin ed. p. 771*]

Index analyticus rerum notabilium. 771. Philippus Lucia, occasione quinquagesimi anni: vita, institutiones, labores ab initio sacerdotii, 364, et mors breviter describuntur, 500, 501; eius causae introductio signatur, 502. Gonzales y Sans Venantius: quoddam eius opus in Indicem refertur, 56. Antonius Fischer, cardinalis, archiepiscopus Colonien., se humiliter subiicit, 144, et epistolam accipit, qua beatissimus Pater laudat proposita pertractanda in Mariali. Gredt Iosephus, O. S. B., epistolam accipit, qua beatissimus Pater ei gratias agit et conventu Trevirensi, 578; simulque, gratulatur de opere « Elementa Philosophiae Aristotelico-Thomisticae », hortans ut ea ad Christifidelium spiritualem utilitatem dirigant, 579. Episcopi Flaminiae regionis, v. Boschi. Philippus Flechter, moderator Sodalitatis Gregorii, vita et cultu breviter narratis, signatur reassumptio causae canonizationis, 181. Gymnastici ludi quem locum habere debeant in Operibus ad iuventutem instituendam, 401, 715. Leopoldus Fonck epistolam accipit de diplomate ab Instituto Biblico conferendo, 471. Fridericus Iosephus, Imperator Austriae et Rex Hungariae, pro munificentia sua in erectione dioeceseos Hajdu-Doroghensis

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laudatur, 433; itemque pro suo studio ad conventus eucharistici Vindobonensis, quaedam loca cedit solemnitatem evehendam, 580. Fuset Fridericus, archiepiscopus Rothomagensis, laudatur de eius litteris circa Hajdu-Doroghensis dioecesis, ab Hungari Gubernio convenientissime dotata, 432, beatissimo Patri reverenter exhibitis, 355. Thomas Gallarus et Scottus: opus eius quodam in Indicem refertur, 56. Gaspoì-is del Bufalo (B.), Lectiones I. erunt propriae, ubi concessae sunt, 419. Hebraicae voces quomodo sint modulandae in cantu liturgico, 539. Cuthbertus Hedley, episcopus Neoportensium, quinquagesimum sui sacerdotii anni celebrans, epistolam accipit gratulatoriam, 622. Budolphus Hittmair, episcopus Linciensis, epistolam accipit, qua beatissimus Pater eius pastoralem diligentiam laudat, 269, et ad clericos saeculares et regulares sana doctrina instruendos aptissima dicitur, 99. Franciscus Gieure, episcopus Baionensium, Associatio perpetuae Horae Sanctae de Getsemani, in sacello S. Ludovici Andegaevensis Tolosae instituta, et per totam B. M. V. « du Beau Rameau » ad BéGalliam propagata, archisodalitatis titulis et privilegiis donatur, 137. Gomes Pimenta, archiepiscopus Mariannen, epistolam accipit qua beatissimus Pater ei. Hospitalia urbana quo sensu Cardinali Vario subdantur, 18.

[*Latin ed. p. 772*]

772 Index analyticus rerum notabilium. Rumbert Augustus, whose work had been included in the Index, humbly submits himself, 57. Conclusion of hymns, v. Doxology. I-J Janvier E., receives a congratulatory letter for the ninth volume of sacred prayers, presented to the Most Blessed Father, 92; also another for the tenth volume, 716. Bishops can grant dispensation from fasting on suppressed but solemnly celebrated feasts, 341: this dispensation extends only to Religious concerning obligations imposed by Church law, but not concerning obligations of their own rule, 627; also, the dispensation granted for Latin America is also valid in the Antilles islands, 730. Impediment: - adultery with the intention of marriage, is considered dispensed by a dispensation over a valid but unconsummated marriage, or by permission for a transition to other marriages, 403: disparity of cult, is not dispensed without due precautions, 442, otherwise, no dispensation exists and it can be declared, 443. What is the incardination of clerics, and what are its conditions, 251 et seqq. Indians from Latin America: their miserable condition, often deplued by the Apostolic See, 521, even after the abolition of the name "slave," 522, must be cared for with joint efforts by the Republic and the Church, with a grant of funds, through prayer, 523, and through the establishment of missionary stations, 524; it is reserved to the Ordinaries of the places to grant absolution from certain sins to which Indians have been admitted, 524. Indulgences are granted to the pious Union for the Communion of Children to St. Claude of Rome, 361; also to Congregations of St. Elizabeth in the Varmiensis diocese, 363; also in honor of the Blessed Virgin Mary Immaculate, to be gained on the first Saturday of each month,

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623; also to Mexican faithful who recite the "jaculatorias" in honor of the Virgin of Guadalupe, 641; also for pious exercises in honor of St. Anne, 723. - and privileges granted to the venerable archiconfraternity of Christian Doctrine, 587. - Feasts of Saints annexed, when and how to follow the translations of these feasts, 624. Infant Jesus (Society of), v. Demimuid. Infirm in monasteries, papal enclosure (v. Communion). Institute: - Biblical (v.); - "of Christian Brothers," v. Witthy. Interamnense and Narniense Chapters are to be convened alternately by the more important of the two Chapters in their episcopal city to elect a capitular vicar, and all from both Chapters are to be convened, 175. Interconfessional religion is to be condemned, 657. St. John Vianney (B.), his feast is raised to the rank of a double of the second class for France and its colonies, 326. St. John the Baptist (S.), his vigil is preferred over the vigil of the Ss. Apostles Peter and Paul, 66. St. Joseph (S.): - His titular feast shall be on the third Sunday after Easter, unless special reasons suggest celebrating it on March 19, 728: - The Bonaerense church is erected into a minor basilica, 50: - A parish is erected in Urbanum, on the Via Triumphale, 436. "Italia (L')" is declared by the periodical to be not in conformity with the dispositions of the Holy See, 695. Ordinaries of Italy concerning Seminaries, v. Seminaries. Ecclesiastical judges of first instance in the City: the Cardinal Vicar, the auditor, the substitute, the co-judges, 19. Judicial affairs in the City: regulations, 19. Defect of jurisdiction, argument of nullity of a Rotale sentence, 189. Oath to be administered by synodal examiners and parish councilors, when and how to administer it, 141. Juvenal (Work on protecting), v. De Montenach. K Calendar of the Breviary and Missal is renewed, 58, 78; how each diocese can be reformed, 538. The Kearneyensis diocese is erected, 337. Count Keller, president of the Catholic "de défense religieuse" in France, is praised by letter for his annual report on the works accomplished by the same association, 356. Kientchang (Apostolic vicariate of) receives a certain territory from the apostolic vicariate of Southern Sutchu, 367.

[*Latin ed. p. 773*]

Index analyticus rerum notabilium. Koch (W.), whose work had been referred to the Judge, humbly submits, 57. Georgius Kopp, Cardinal, Bishop of Vratislavien, and other bishops of Germany, receive encyclical letters concerning Catholic and mixed associations of workers, 657; the Holy Father congratulates him in writing on the completion of twenty-five years of priestly and episcopal service, 667; and the Holy Father expresses his gratitude for the letters of veneration, together with the other bishops of Germany gathered at Fulda, 693. Lagrange (P.), many of whose Biblical writings should not be admitted into seminaries, 530. Ioseph Lahitton: his book "La vocation sacerdotale" is approved, 485. Institutes of the laity in the City, see Education. The title "Lapurdensis" is added to the name of the diocese of Tarbena, 338. Latin language: - the pronunciation according

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to the Roman usage is praised and recommended for Gallia, 577; - the study should be promoted in seminaries, 25. Praises, separated from the Matins, how the triduum of the Death of Christ should be begun, 499, and in the office for the dead, 500. Lauretani: - honorary chaplains may not use privileges and insignia outside the diocese, 325; - all capitulars are members of the Papal family, but neither are prelates, nor are those in the papal household, nor secret chaplains of the Supreme Pontiff, 729. The book "La vocation sacerdotale," written by Ioseph Lahitton, is approved, 485. Readings: - from Scripture, how they should be transferred or omitted if they are hindering, 323; - the octave and nona should be joined on the feasts of the Holy Martyrs Nereus and Achilleus, and the Dedication of Saint Michael, but not on the feast of Saint Matthew, 728; - the second nocturne on the feast of Saint Agnes are historical, and should be read for the nona, 419. Violation or negligence of the law, in a Rotale sentence, is an argument of nullity, 189. Dnus. Lenert, parish priest of Saint Nicholas of Chardonnet in Paris, receives a letter of thanks from the Holy Father for the volumes of conferences offered, 652. The work entitled "Letters to His Holiness Pope Pius X" is included in the Index, 56. 773. Catholic books: - their diffusion is very small compared to the diffusion of other books, 606, and they are recommended to all, 607; - their publication is subject to the control of the second vicariate office in the City, 10; they may be permitted without revision if they have been permitted by another bishop for his diocese, 370. "Licenza ginnasiale" (secondary school license): all seminarians are admitted to take the examination to obtain it, 496. "Licenza liceale" (university license): which seminarians are to undergo the examination to obtain it, 496. Limericen: the church of Saint John the Baptist is raised to the status of a cathedral, and a chapter is established, 176. The Lipsanotheca is added to the first vicariate office, 9. The office of the vicar general's lieutenant in the City is suppressed, 6. Bishops of the region of Lombardy, see Ferrari. Lucae (S.) Gospel, see Gospel. Catholic convent of Lucania, see Monterisi. Lusitania: pensions assigned to the clergy from the public treasury are not to be received, 645. Macarius Cyrillus, formerly Patriarch of the Alexandrinus Coptorum, repents of his adherence to the Greek Orthodox Church, and professes submission to the Roman Church, 214. Blessing of machines for extinguishing fires is approved, 370. "Magistral de Sevilla": several booklets written by him are declared not to conform to the directives of the Holy See, 707. "Magnificat" should be attributed to Mary, not to Elizabeth, 463. Defect or flaw in a procuratorial mandate is an argument of nullity in a Rotale, 189; when it is considered to be healed, 189. Mandatori-Sacchetti Paula: her life, written by Valeriano Ferracci, is prohibited, 586. A mandate, the execution of which has not been carried

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out, can be ordered to be executed again, 127.

[*Latin ed. p. 774*]

774 Index analyticus rerum notabilium. The title and privileges are granted, 721. Mary (St.):-to the Rocks. Sanctuary near the Castle of St. Elijah, formerly inhabited by Benedictines, a most famous place dedicated to the image of the Blessed Virgin, to which frequent pilgrims come from all directions, 553; distinguished by steps carved by Joseph Andrea Rhodius himself, already granted to Minorites by Pope Leo XIII, 554; declared to be under the jurisdiction of the Apostolic See, and designated with the title of a minor basilica, 555. — Rosario, the parish transferred from the church on Monte Mario to a new building in the Prati, and simultaneously divided into two, with the parish of St. Joseph established on the Via Triumphale, 436. — du Beau Rameau, the authority to decorate the image with golden crowns is granted by the Most Blessed Father, 490. — Immaculate Conception, Queen of Clergy, the society established at St. Nicholas du Chardonnet, in Paris, for the promotion of holiness and the well-being of the clergy, is erected into an archconfraternity with the faculty of aggregation anywhere, 439. — in Domnica, the title of deacon is conferred by Cardinal Basilio Pompilj, formerly granted to the Basilian monks, 169; recently granted to the Melchite Syrians, who have been transferred there to serve the souls, 170. — on Saturday, the manner in which the Office is to be arranged in the Lauds, 105; it does not yield to the restoration of the Sunday Mass, 728. — Name (v.). — Our Lady of Good Studies, see Catherine. — "Our Lady of the White" temple, see Faverney. — "Our Lady of Supreme Pardon": The confraternity in the church of St. Mauritius "de Cheddes" in the diocese of Nevers, is erected into an archconfraternity, 173. — The Octave of the Nativity, on the recurring feast of the most holy Name of Mary, is suspended under the double rite of the first class, together with the Octave, but on that day, the octave is celebrated, 448. Matrimonial causes: are privileged and never become final, 157; in the City, they must be handled by the third Vicariate office, 20. Marriage: there is no impediment of public law; it is not valid unless the Tridentine form is observed, 115; see Impediment. — civil, where the Tridentine law does not apply, is valid if the contracting parties truly intended to enter into a valid marriage, but invalid if they considered it merely a civil ceremony, 378 et seqq., 632 et seqq. Mixed marriage, see Parochial Vicar; regarding clandestine marriages, 630 et seqq. Matthew (St.): - Gospel, see Gospel: - the ninth reading, which is prohibited, is not joined to the octave, 728. Matins, separated from Lauds, how it is concluded on the three days of the Death of Christ and in the Office for the Dead, 499. "Maximum Care" is added to Australia, 531. Fear, as an impediment to marriage, 112, 183, 475, 504, 646, 670, 709; also reverential fear, 113, 476, 506, 647, 671, 709: - when it is presumed in the external forum, 477, 505. Philip

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Meunier, Bishop of Ã□vreux, receives letters at the diocesan congress in the city of Pont-Audemer, 653, and also at the Eucharistic celebration in the nearby city of Louviers, in which the Most Blessed Father prays for all good things, 654. Michael the Archangel (St.): in his feast, the prohibited ninth reading is joined to the octave, 728. Miniati (St.) diocese, certain areas are ceded to the Pisan diocese, 176. Sacred ministry: The directing commission is subordinate to the second Vicariate office in the City, 11. The Minor Brothers possess only the name of the Holy See, 543; see Monsa. Mass: - celebration, in the City, see Celebrant; in private homes, it may be permitted by the Ordinary as an act, 725. — on weekdays, it is not allowed in the double feasts, 323. — of repose must be celebrated without singing outside the choir on the first day of the month that is free, if the Sunday Mass is to be restored, 728; a private Mass, even on anniversaries and similar occasions, is prohibited, during Lent, etc., 323; a solemn Mass for the deceased in the Tripolitan war, is permitted on Sundays, under certain conditions, 107. — of the Most Holy Body of Christ, for the procession on the Sunday within the octave of the same, is not considered as the parish Mass, 274. Other approved Missals are falsely claimed to be for the City, while others are for the whole world, 669. Certain rubrics of the Roman Missal are changed, 57; in the Preface and Calendar of the Missal, 78; in the Proper of the Time, 78; in the Proper of the Saints, 79.

[*Latin ed. p. 775*]

Index analyticus rerum notabilium 775. Missionarii versiculum pro episcopo vicario Nerei et Soc. Mm. (SS.), nona lectio imperio apostolico in officio dicere non valet, nisi adsit privilegium eumdem nominando in Canone, 275.

Nominis Iesu (Ss.) festum est in die sequenti reponendum, si impediatur, 248. — S. Caroli, v. Vicentini.

Nominis Mariae (Ss.) festum, etiam ubi fit duplex I classis die 12 sept. recolatur, 448; et si cum octava celebratur, haec suspenditur die 15 pro recolenda die tantum una cum relatione de statu suae octava Nativitatis, 448.

Modulatio monosyllabarum et hebraicarum vocum in cantu liturgico quae adhibenda, 53.

Noval Iosephus O. P., rector pontificiae Universitatis Manilensis, epistolam accipit, qua beatissimus Pater laetatur de sollemnibus paratis ob conditum tertium saeculum ab eiusdem institutione, 51; Moiano: Sodalitas Ss. Rosarii in pago Moiano instituta, sodalium frequentia memorat benefacta S. Sedis et Catholice Regum, et magnos obtentos fruatur, 52; et fausta quaeque ei adprecagitur, 97.

« Momento (II) », ephemeris non conformis declaratur S. Sedis directionibus, 695.

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Nullitatis querela contra sententiam Rotae lem, iudicanda committitur Signaturae officio pendent, 9; privilegium, exemptio apostolicae, 188: contra quas sententias produci possit, et quaenam eius argumenta, 189.

Monosyllabae voces quomodo modulandae sint in cantu liturgico, 539.

Monterisi Ignatius, episcopus Potentinus et Marsicen sis, litteram accipit gratulatoriam ob primum conventum Catholicorum, 484.

Monza Pacificus, una cum reliquis Ministris generalibus Ordinis Fratrum Minorum, epistolam accipit de Tertio Ordine, 582.

« Obsecro te, dulcissime», etc., orationem recitantibus conceditur remissio defectuum et culparum in Missa admissarum, 642.

Moreschini Camillus, archiep. Camerin., tav. Castelli.

Occurrentiae perpetuae et accidentalis bellae, 63; corriguntur, 449.

Mortis Christi triduum: quomodo, Matutino Octavae seiuncto, illud concludatur, et hae incipiantur, 299.

Mulierum Religiosarum instituta, v. Monasteria.

Munier Hadrianus epistolam gratulatoriam accipit ob editum opus « Vers l'éternelle beauté », 619.

Musica sacra (Coetus a) in Urbe, primo Vicariatus officio adiungitur, 9.

Omahensis dioecesis dividitur ad efformandam novam dioecesim Kearneyensem, 337.

N Opificum consociationes mistae religionis in regionibus Catholicorum fovendae et au gendae non sunt, 659, in aliis regionibus tolerari possunt sed preferendae sunt foederationes per modum « cartel », 660; itemque « syndicatus Christiani » permittuntur Catholicis qui simul addicti sint societatibus «Arbeitervereine», 680.

[*Latin ed. p. 776*]

776 Index of Analytical Matters. Provided that they contain nothing contrary to the doctrines and mandates of the Church, 661; in this matter, all disagreements must cease, 661. The right of option, what it is, 86; how it is granted, 87; offices incompatible with it, 88. The Lord's Prayer, to be recited with the angelic salutation and, at Matins, with the Symbol of the Apostles, is to be said separately from the Office of the Dead, 668. Prayers: - A funeral prayer is prohibited at funerals for those who died in the Tripolitan War, 107. - The third prayer is omitted in the Mass on Sundays, in which the commemoration of the double feast of the Immaculate Conception is perpetually celebrated, 106; also during the octave of Corpus Christi, and in votically Masses, if the commemoration of the double feast occurs, 419. Prayers in simple and feria Masses can still be added up to seven, 275. The Ordinary, see Bishop. The ordination of clerics in the City is regulated by the second Vicariate Office, 10. Religious Orders or Institutes of the Orient are not to receive students, without special permission from the Sacred

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Congregation for the Propagation of the Faith, 534. The organ, in offices and Masses in which it is prohibited, may be used in cases of necessity to accompany the singing, whether Gregorian or polyphonic, 274. Oriental priests and laymen are not to be admitted to receive a stipend, unless they present permission from the Sacred Congregation for the Propagation of the Faith, 532; nor are they to be admitted to Religious Orders or Institutes of the Latin rite without such permission, 534. The Osachensis diocese cedes certain territories to the new apostolic prefecture of Nygata, 566. Pacificus a Sejano, the general minister of the Capuchin Order, receives a congratulatory letter for the dedication of the Urban of Saint Lawrence in Brundusium college, to which the Most Blessed Father commends humility in doctrine and a spirit of penance, 662; - see also Third Order. Marius Palmarini, his work is referred to in the Index, 103. Parish priests, assisting at mixed marriages, do not inquire about the consent of the parties being married, 444; - in the City, they are appointed by the second Vicariate Office, 10. Parish priests, in drawing up or revising a decree on nullity, must swear the proper formula at the appointed time and in the proper manner, 141. Parishes: a union with them can be accomplished through a decree on relative suitability and through a multiple scrutiny, 296, 305 et seq.; how they are to be established in the City, 436, and in the Roman countryside, 437. - Dissolution, under what circumstances it is granted, 453, and is now easier, 454; and with what solemnities, 455. Parish property in the City is to be maintained by the fourth Vicariate Office, 21. Patagonia meridionalis, see Fagnano. "Our Father," see Lord's Prayer. Ecclesiastical property, in what it differs from a benefice, 346. Scholastic patronage in the City is subject to the scholastic Vicariate Council, 15. Patrons, of the province and nation, must be upon the appropriate rite, even if a local patron exists, 728; also, it should be stated about the patron of the diocese, if up to now the feast of him has been celebrated throughout the diocese under that rite, 729. Patrons (Ss.), how they are to be commemorated, 65. Paul (St.). The Society of St. Paul for the dissemination of Catholic books, see Zara. Anthony Adulphus Peres, Bishop of St. Saviour in America, receives a letter in which the Most Blessed Father congratulates him on the activities at the first Catholic convention held by him, and gives some advice, 295. Peter the Apostle (St.), see Pictaviensis. Peter and Paul (Ss.) Apostles, the feast is preferred to the octave of the Most Holy Body of Christ, 64; the vigil yields to the vigil of St. John, 66. Philosophy, how it is to be taught in the schools of seminaries, 496; in Latin, if possible, 497. - Scholastic philosophy is praised, 45. Philumenae (Archisodalitas ab opere S.), existing in Vallem Girardi, is granted the faculty to aggregate all societies, everywhere in the world, under its name, 398. The Bishops of the inferior Piceni, see Castelli. The Pictaviensis cathedral church of St. Peter the Apostle, a diocese so splendid in honor, is declared a minor basilica, 264. The Pisana diocese obtains certain

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territories detached from the diocese of St. Miniati, 176.

[*Latin ed. p. 777*]

Index analyticus rerum notabilium. Penance is an office incompatible with the right of option, 87. Poitiers, see Pictaviensis. Basilius Pompilj, Cardinal of the Holy Roman Church, is appointed to the title of Saint Mary in Domnica, 169; to this church, after other monks of the Melchite-Syrian rite have been transferred, a rector is appointed, who is responsible for the care of souls, 170. (Commemoration of all the Saints of the Holy Roman Church), see Romans. The discipline of the Christian people in the City is overseen by the second office of the Vicariate, 6, 9. "After the schools," the institutions in the City, under the scholastic Vicariate, are subject to the counsel, 15. Those who aspire to enter monasteries with solemn vows and papal enclosure may do so without the permission of the Holy See, and after a trial period of at least six months, having completed their secular life, they should be admitted to the religious habit at the same time as to the novitiate, 565. The Order of Preachers established and expanded the University of Studies in Manila, 52; to them is confirmed the privilege of carrying the theophoric procession, which is transferred to Sunday after the Octave of Corpus Christi, 177. To the Belgian province is granted the apostolic prefecture of Uellè Orientale, 55. The Preface, which should be said in festive or votive Masses when a proper Preface is lacking, or on weekdays, when a feast or weekday is commemorated which has its own proper Preface, 323. The proper Preface of the feast or Octave, of which mention is made, is also said in the Mass of the weekday or vigil, even if it does not have its own proper Preface, 419. The Preface of the Holy Trinity is said on Sundays, in which the feast of the Blessed Virgin Mary is simplified, unless a proper Preface for the Time or for the Octave of the Lord is present, 82, even if the Mass is of a feast of the second class with a duplicate, which does not have its own proper Preface, or if mention is made of the Octave which is not of the Lord, also having its own proper Preface, 106, or also on the very day of the Octave, 275. Prefects for the students of seminaries, how they should be chosen, 494. Apostolic Prefecture: the Prefecture of Nygata is established, 566; Uellè is divided, 55; the Prefecture of Zambese has its boundaries changed, 473. 777 Prefect: an administration is established in the City, its duties, 20. The house of the pontiff loses its jurisdiction in the secular institutions of the City, 14. The Holy Congregation of the Council is a member of the cardinal commission for the apostolic visitation in the City, 7. The Holy Congregation of Religious is a member of the cardinal commission for the apostolic visitation in the City, 7. The Regular Canons of Prémontré. The Abbey of Tongerlō is granted the apostolic prefecture of Uellè Occidentale, 55. A prescription, even if it is unforgettable, does not heal the initial sin, 42. The jurisdiction of the Congregation for the Preservation of the Faith is lost in the secular institutions of the City, 14.

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Prayers: to the First and to the Completory, in the Sunday, are omitted if a commemoration of a feast of the second class, perpetually simplified, is made, 106. To the Completory are omitted on the Sunday of Palm Sunday, if a commemoration of a feast of the second class has been made in the Vespers, on the second day of the Greater Week, 419. For the Ordinary to the Office, see Bishop. For kings, etc., in the Office and in the Mass, they are not to be added at will, 669. Privileges, granted to the Augustinian Recollect Congregation of Spain, 617. And indulgences are granted to the venerable Archiconfraternity of Christian Doctrine, 587. The trial period of six months must be completed by those who aspire to enter monasteries with solemn vows, before they are admitted to the habit and the novitiate, 565. Procession: with the Most Holy Sacrament, granted to the Fathers of the Order of Preachers, is to be held on Sunday after the Octave of the Most Holy Body of Christ, 177. The Most Holy Body of Christ, with the consent of the Ordinary, can also be held on the very day of the feast, 341. The general procurators of the Orders can be convened to judgment, if it is a matter of repairing damages caused by the students of their Orders, 420 and following. Profession: is permitted even at the point of death, even before the end of the novitiate, but it produces no effect if the sick person recovers, 589. Perpetual or solemn, is invalid if it is emitted in good faith by those who are assigned to military service, or before one year has been completed from the same, unless it is only for three.

[*Latin ed. p. 778*]

778. The index analyticus lasts for the duration of the months, 246; and those who wish to travel to foreign regions, in order to avoid military service, are not admitted to it without an Indult, 246. Prohdszka Ottocarus, whose work was included in the Index, humbly submits, 57. Any form of protection is not permitted in churches, 724. Promoter of justice in the City, 20. The year of propaedeutics will be completed, 496. Diocesan Offices: It is prescribed that a commission be established in each diocese to review these, 376. "Provence." Letters praising the apostolicity of the Churches of the Province are received, 355. A new Psalter, to be included in the Breviary, 66; the faculty to edit it is not granted by the bishops, 83. First Communion for boys: The Pia Unio for this purpose is established as a primary institution at S. Claudii in the City, 49; this is enriched with special indulgences and privileges, 361. New Societies of the Most Holy Sacrament for boys can be established, even if the distance is not that prescribed by the Constitution of Pope Clement VIII, 398. Punta Arenas, see Fagnano. Québec. Our Lady of the Most Holy Heart confraternity is established as a primary institution for the Canadian province in the temple of the Most Holy Heart of Jesus Missionaries, 293. The administration of the economic affairs of the Vicariate in the City is considered, 21. The action of reconvention is admitted, even in the style of the Rota, 423 et seqq. Rejection of judges due to suspicion:

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its effects, etc., 596. Religious: with regard to discipline in the City, they are subject to the second Vicariate office, 10, 12 et seqq.; in certain places and regions granted by the Holy See, they are included with regard to abstinence and fasting from the law imposed by the Church, but not with regard to those imposed by their own rule or constitution, 627; in Latin America, they observe the Indult recently granted by the Secretariat of State, regarding notable matters, 627; those living outside the cloister are subject to the jurisdiction and authoritative and dominant power of the bishops by an apostolic Indult, 627; see Monasteries. Feast of the Relics (SS.), which was attached to the Sunday, is still to be celebrated on November 5th, 106. More crimes committed against the Indians of America are reserved to the Ordinaries, 524. Cardinal Petrus Respighi, Vicar in the City, receives a letter, 690, in which the Most Blessed Father prescribes the transmission of a new Christian catechism, already approved by several bishops and by himself in the Roman province, to the boys, and also encourages adults to learn it, 691, and orders that the primary prayers and certain formulas be recited together before the main festive Masses, 692. Restoration to integrity: recourse to obtain it is submitted to the Apostolic Signature, 188; arguments for admission, 190. Revalidation of marriage due to a public impediment, to no one, is not done unless the Tridentine form is observed again, 115. Emanuel Ribera, born in the city of Melphictensi, 374; having entered the Congregation of the Most Holy Redeemer, working to serve the sick, he peacefully departed: the cause for beatification and canonization is introduced, 375. Rites: the translation from the Eastern rite to the Latin rite and vice versa remains prohibited, 616, without special permission from the Holy Congregation for the Propagation of the Faith for matters of the Eastern rites, 534. Rites (Holy Congregation). The decrees contained in volume six of the Collection are declared authentic, 446. The Rockhampton diocese, see Duhig. The feast of all the Roman Pontiffs is still to be celebrated on July 1st, 105; in it, the antiphons, psalms, and responsories which are assigned in common to the Apostles should be considered as proper, 419, and the color red is used, 728. The Rosary (SS.) Confraternity, see Moiano. Certain rubrics are changed, 58, 145. Ruschitza Sigismundus is disapproved for stating that there are different Missals for the City and for the world; also, for stating that prayers should be added for the Emperor, King, etc., 669. The rusticatio for seminary students will last only ten or fifteen days at home, 493.

[*Latin ed. p. 779*]

Index analyticus rerum notabilium. A Bishop of the Buthen rite is appointed for the Canadian region, to reside in the city of Winnipeg, 555. S 779 f. Retreats are instituted for students, both at home and in the seminary, 493. Major seminaries are to be separated from minor seminaries, 492. — Urban schools are subject to the second Vicariate office, 10. Sen-

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tences are of strict law, and are not to be extended case by case, 734. The order of judicial proceedings for the causes of servants, proceeding by way of exceptions, is to be observed in the future, 706. Apostolic Signature: Rules to be observed in judgments are promulgated, 187; which causes are reserved to it, 188; which are subject to exception, 188; or complaints of nullity, 189; or complaints of restitution, 190; the introduction of the cause is to be made by a petition, and with what additions, 191; notification of the cause to the opposing party by whom, 191, and how it will be done, and transmitted, 192. also to the bishops, 193; explanations of the law and the facts may be requested, 193; previous records from the Sacred Roman Rota or Congregations are to be requested, 194; oral discussion is to be indicated or requested by whom and how, 195, and how it is to be conducted and moderated, 195; the acceptance or rejection of an appeal depends on whom, 195, and how it will be notified, 195, also to the bishops, 197; notification of the day appointed for the contestation, 198; doubts are proposed and accepted or imposed by whom, 198; those who participate in the contestation, 198; the act of contestation how it must be prepared, 199; nor changed except by decree, 200; a deposit for expenses, 200; the time and manner for the presentation of documents, 200, summaries of defenses, responses, and additional summaries, 201; and their transmission to the Most Reverend Fathers, 202; the manner and time of oral discussion, 203; prohibition of unapproved information, 203; notification of the resolution to the parties, 203; the time and manner of its publication, 204; accounts of expenses, 205. Sacellarii, see Chaplains. The goodness of the Sacraments: an intention contrary to it invalidates marriage, 712. The Apostolic Vicariate of Salomonicum Meridionale is established, 440. Salvator (S.) in Central America, see Priests. John Baptist Scalabrini, Bishop of Piacenza, is praised for his merits regarding emigrants to America; and the solemnities in his honor are approved for the twenty-fifth anniversary of the founding of his institute, 581. Scenic games, what place they should have in Works for the development of youth, 715, are prohibited in churches, 724. Schools: - in the City, with all privileges removed, are subject to the second Vicariate office, 14; regulations, 15; - for seminaries, they must be internal, 494, although students from episcopal colleges are admitted, 495; the vacations, duration of lessons are determined, 495; the quality of studies and experiments in the gymnasium, 495, in the lyceum and theology, 496; - freedom vigorously defended by Father Caiet. Zocchi, 334. Scholastic philosophy is approved, 45. A new scholastic council is established in the City, 15, see Patronage. Secretaries: - the Vicariate office is suppressed, 6. - Four Vicariates of the second office are established, 9; the duties of the secretaries regarding secular and regular clergy, 10, regarding religious women, 13, regarding institutes for the education of lay people, 15, regarding confraternities and social works, 18. Violation of secrets by Auditors: it is the duty of the Apostolic Signature to judge this, 188. When the See is vacant, the emoluments derived from

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the use of the seal go to whom, 219 et seqq., 235 et seqq. Simple antiphons and psalms for the feria are used by the Simplicia in the Office, 62. and psalms for the feria, even if they have hitherto been used in Seminaries: - in the Venezuelan Republic, proper ones are established, 105. to be preserved and promoted, 25. Social works of Catholics, "confessions" - Italy: why they are less frequented, 491; how alumni can be prepared in pa- Societies for the protection of youth, see De Monteroeciis, 492; alumni of greater age are to be separated from the younger ones, 492, and not admitted, 492; the alumni must be prepared in par- Socii Ss. Patronorum: how their feasts are to be celebrated, 65 et seqq.

[*Latin ed. p. 780*]

Index analyticus rerum notabilium. 780 Sodalitas, v. Confraternitas, Congregationes, Societas. — a S. Catharina (v.). — « N. D. de suprème pardon » : v. Maria. — « Our Lady of Ransom » : v. Flechter. — S. Christophori (v.). Sottaz Victor Maria, v. Tertius Ordo. « Sport », which should have a place in works for young people, 715. Mandates for the status of free persons are to be carried out by the third Vicariate office, 20. The Congregation of Studies lost rights in certain Urban schools, 14. A substitute for the judicial auditor in Urban is established, 19. In elections pertaining to jurisdiction, the care of souls, or ecclesiastical property, canon law allows relatives and affine to vote for each other, but not for themselves, 404. In the Divine Office and Vespers, the recitation is omitted when a feast of double rank is celebrated on a Sunday, 106; it is omitted without mention of the title in churches dedicated to the mysteries of the Lord, 274; it is omitted on the vigil of All Saints, 275: - the rubric of the Psalm is modified, 145. Summa Theologica of St. Thomas, v. Everest. Suspicion: how it is distinguished from incompetence, 596; what are the effects of the exception of suspicion, 595; against it, the Auditors of the Sacred Rota are subject to the judgment of the Apostolic Signature, and under what conditions, 188. The southern vicariate apostolic of Sutchu ceded territory to the apostolic vicariate of Kientchang, 367. Symbolum: - Apostolicum in the Mass, v. Credo. — The Athanasian Creed is omitted on Sundays when a feast of double rank is celebrated, 106. « Christian syndicates » may be permitted to Catholics who are also members of « Arbeitervereine » societies, provided that they contain nothing contrary to the laws of the Church, 660. A synopsis of the question regarding the relationship of the three first Gospels, and under what conditions are they free for exegetes, 465. Tables of new perpetual and accidental occurrences, 63, and concurrences, 64, are explained, 59 and following. Bartholomew Taddei, S.J., receives expressions of congratulations from the Most Blessed Father for the work « Apostles of Prayer and Covenant of the Sacred Heart » which he founded in Brazil and which has produced great fruits of sanctity, 138. The diocese of Tarbes has the name Lapurden added to its name, 338. John Vincent Tasso, Bishop of Augusta,

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receives congratulatory letters after holding a synod, 665. Tertius Ordo: - Carmelite: Novices, professed members, and director priests can transfer from one obedience to another, 144. — The Franciscan order follows the same goal as the two previous orders, 582; it fosters fraternal concord among different sodalities, and the spirit of penance for the love of the Crucified, 583; the selection and observance of members and leaders, even among secular officials, are to be chosen, 584; social works are prohibited for the Third Order, but are recommended to individual members: the authority and purpose of sodalities are defined, 585; individual members of the Third Order can gain the indulgences attached to the feasts of the Blessed only once a year, 624: - individual congregations established by one obedience cannot transfer to another without the permission of the superiors who elect them, who can visit them and exercise jurisdiction over them, 143. Peter Paul XIII Terzian, Patriarch of Cilicia of the Armenians, receives a letter in which the movements against him raised by the people are condemned, an administrative council is declared illegitimate, its supporters are excommunicated, and the remaining Catholics of Armenia are confirmed in the faith, 400. New Testament: The Most Blessed Father congratulates Eugene Bodin on the publication of the Greek-Latin edition of its text, 335. Witnesses are not to be admitted on the same articles, with attestations already published, 159. Testimonial letters are to be granted by the second Vicariate office in Urban, 10. The office of Canon Theologian is incompatible with the right of option, 87. Theology, how it should be taught in seminaries, 496. « The Priest (a tale of Modernism in New England) »: a work with that title is included in the Index, 56.

[*Latin ed. p. 781*]

Index analyticus rerum notabilium. Thiéry Gustavus epistolam accipit gratulatoriam ob quinquagesimum anniversarium matrimonii, 620. Vicariatus apostolicus Tibetanus parvum territorium recipit ab archidioecesi Calcuttensi, 271. Thomas (S.): - Aquinas, v. Everest. — Cantuariensis: quomodo celebrandum sit eius festum, 66 et 67. Tien-tsin, v. Ce-li. Tillman Frits: quoddam eius opus a Seminariis arcendum, 530. Tissier Canon., qui beatissimo Patri volumen de perfectione morali ac religiosa iuventutis, tanquam filiale devotionis obsequium, offerbat, eius grati animi per epistolam manifestationem accipit, 393. Titulus ad ordinationem quotuplex sit, 250. Dioecesis Tokiensis, quaedam loca cedit novae praefecturae apostolicae de Nygata, 566. Tribunalia ecclesiastica primae instantiae quaecumque praeter Vicariatum in Urbe supprimuntur, 19. Tsinkyhiem subpraefectura vicariatui apostolico de Kientchang adiudicatur, 367. Praefectura apostolica Uellensis, in duas dividitur, de Uellè Occidentali, Canonicis Regularibus Praemonstratensibus concreditam, et de Uellè Orientali, Ordini Praedicatorum commissam, 55. Uganda (XXII Martyres de), sub rege Mwanga pro Fide passi dicuntur, 567; breviter uniuscuiusque

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martyrium narratur, 568; eorum causa introducitur, 570. « Unione Apostolica (L')»: sacerdotibus ei consociatione addictis, et quinquagesimo recurrente anno ab eiusdem initio ad Se accedentibus, beatissimus Pater gratulatur, 693, commendat fidelitatem regulis consociationis et Summi Pontificis amorem, 694, et, occasione arrepta, queritur de iis qui sanctae Sedis directionibus non integre parent, 695. Vacationes in scholis Seminariorum, 495. Vagorum matrimonium: quis sit parochus proprius, 330. Van Bossum Gulielmus, card., Legatus apostolicus ad conventum Eucharisticum Vindobonensem renuntiatur per epistolam, 579, qua beatissimus Pater laudat studia populi, Imperatoris et domus eius in apparando ipso conventu, simulque bona quaeque auspicatur, 580. Vassetta Hyacinthus a sacrarum Congregationum officiis adeundis, et apud sanctam Sedem negotiis gerendis arcetur, 724. Vassary Clauditis, card., archiep. Strigonien., octogesimum aetatis annum explens, litteras accipit gratulatorias, 101. Venesuelanae: - Ecclesiae status et conditiones describuntur, 23 et seqq., v. Castro. — Respublicae praeses et administri, de benevolentia erga Ecclesiam laudantur, 23. Verbi divini « de Steyl » (Societas Miss.): ei concreditur nova praefectura apostolica de Nygata, 566. Versus Besponsorii brevis ad Primam, dicitur B. Mariae Virginis, in Dominicis quando fit de eius festo ad instar simplicis redacto, excepto quando adsit proprius de tempore, et in Adventu, 82; etiam si hoc festum sit perpetuo simplificatum, 106. Viae Crucis exercitium. Revocantur pleraeque concessiones et indulta, praecipue quae Coronas respiciunt, 529. Viaticum, extra casum necessitatis, non sumatur a Sacerdote alieni ritus, 616. Vicariatus: - apostolici eriguntur Insularum Salomonicarum meridionalium, 440; Ce-li maritimi (Tientsin), 489. — Urbis: nova sede donatur, 6; in quatuor officia dispertitur (v. Commissarius, Adsessor, Auditor, Praefectus administrationi), aliis quibusdam suppressis, 6; primum officium de divino cultu et visitatione apostolica, 7; secundum de cleri et christiani populi disciplina, 9; tertium de iudiciariis negotiis, 19; quartum de administratione oeconomica, 20; eiusque officia iisdem disciplinaribus normis ac reguntur officia sacrarum Congregationum, 21. Vicarius Capitularis: in eius electione canonicis pro seipsis suffragium ferre nequeunt, bene vero pro consanguineis et affinibus, 404. Vicarius (Cardinalis) in Urbe, omnibus Vicariatus officiis praeest, 6; est praeses natus Commissionis pro visitatione apostolica in Urbe, 7; et unicus iudex Ordinarius pro Romana dioecesi, 19.

[*Latin ed. p. 782*]

782 Index analytical of notable matters. Vincent Dominic (P.), Superior General of the Missionaries of St. Charles, receives a letter in which their zeal for Italian emigrants is commended, 333; also another letter in which the Most Blessed Father praises the memory of John Baptist Scalabrini, who so deservedly served emigrants in America, and foresees excellent results

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from the solemnities prepared to celebrate the twenty-fifth anniversary of the founding of his institute, 581. The office of the Vice-Chancellor of the City is suppressed, the title being retained for a time, 6. The Council of the Vigil in the City depends on the second Vicariate office, 11. The Vigil, if it occurs on the same day as a major feast day, the private Mass may be celebrated either on the feast day, or on the weekday, or on the Vigil itself, 728: — Epiphany is preferred, even if it is a greater feast day, 449. — The Nativity of the Lord, if it falls on a Sunday, the fast and abstinence are observed on the preceding Saturday, as they would have been observed on the Vigil itself, 54. — All Saints' Day: no suffrage is offered on this day, 275. — & St. John the Baptist is to be preferred when it occurs on the Vigil of the Apostles St. Peter and St. Paul, 66, although the private Mass may be celebrated on that day, 728. — St. Joseph and the Annunciation of the Blessed Virgin Mary, must be observed according to the decree of the Holy Office of September 5, 1906, 142. Vincent (S.) from the Council of the Charity of Men and Women in the City, is subordinate to the second Vicariate office, 17. The Eucharistic Congress of Vienna, see Van Bossum. Violation of the secret, see Secret, Law. Apostolic Visitation: The Congregation is suppressed, 7; the work is entrusted to the Commission of Cardinals, 7; and to the first Vicariate Office, 8; the archive and the treasury are assigned to the Vicariate, 7; the officials are included among the Vicariate officials, 7; regulations are to be drawn up every five years, 8. Vows made before military service do not cease by the fact itself, but if they are temporary, they cannot be renewed, 246. Particular votive offices previously granted have been abolished, 275. Aloysius Y, S.J., receives a letter for the book on the work of "The Apostleship of Prayer and the League of the Sacred Heart" reverently presented to the Most Blessed Father, 138. The University of Washington, see Gibbons. The boundaries of the diocese of Wayne-Castrum are determined, 338. Wecker O.: whose work had been included in the Index, humbly submits, 57. Winauds H., president of the Catholic Association of Aix-la-Chapelle, receives a letter in which the Most Blessed Father highly approves of the topics to be discussed at the congress, 663, namely, about missions to foreign lands, about preserving the tradition of religious instruction in schools as far as possible, and about guarding against the dangers posed by those who place the ultimate goal of life in earthly happiness, 664. Witthy James Calasanctius, director of the religious institute of "Christian Brothers," receives a letter in which the aforementioned work is praised and recommended as being particularly suitable for the education of youth today, 140. The boundaries of the Apostolic Prefecture of Zambeze are modified to the east, 473. Maximilian Zara, general president of the Society of St. Paul for the dissemination of Catholic books, receives a congratulatory letter regarding the good results obtained by the same, 606. Zenner-Wiesmann: whose work had been included in the Index, humbly submits, 57. Zocchi C. S. I, is praised in letters for the books

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presented to the Most Blessed Father, by which the freedom of Catholic schools is defended, 334.

[*Latin ed. p. 783*]

IV. INDEX OF PERSONS

A Abbet Julius Mauritius, Bishop of Sedunen, 450.

Albert Frederick Philip, Archbishop of Bamberg, 336.

Acuña Edmundus, 687.

Adrian, 637.

Agius Alphonse Mary, 360, 742.

Agliardi Anthony, Cardinal of the Holy Roman Church, Bishop of Albanen, 22, 171, see Index of Documents, Apostolic Letters with the papal seal.

Aguirre Francis, titular Bishop of Botryen, 55, 702.

Ajmo Joseph, 350.

Alajos Izsóf, 369.

Albert Francis, 292.

Alberti Joseph, 31, 85, 108, 161, 249, 420, 450, 503, 539.

Albini Charles Dominic, 358.

Alcázar (Fernandez) Eligius, 427.

Alexander III, Pope, 378, 453, 475, 505, 519, 671.

Alexander IV, Pope, 557, 562.

Alexander VII, Pope, 180.

Alphonse (St.) De Ligorio, 375.

Allamano Joseph, 721.

Allegret (Reverend), 278.

Almaráz y Santos Henry, Cardinal of the Holy Roman Church, Archbishop of Hispalen, 694, 704, 718.

Aloisi-Masella Hadrian, 420.

Altenweisel Joseph, Bishop of Brixinen, 468.

Alves de Cunha Emmanuel, 47.

Alves de Mariz Joseph, Bishop of Brigantien, 576.

Amabilis (Saint), 209.

Amboury Bey Selim, 167.

Amette Leo Adolphus, Cardinal of the Holy Roman Church, Archbishop of Paris, 100, 133.

Ameye Alexander, 744.

Amieux Charles, 575.

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Anastasius (Saint), 553.
Anderlic William, 208.
Andereggen Peter, 688.
Anders (priest), 184.
Andrassy Dionysius, 108.
Andrassy Emmanuel, 113.
Andrassy Natalia, 108.
Andreoli Alphonse, Bishop of Recinaten and Lauretan, 26, 46, 699.
Angela Mary of the Conception, 165; Venice, 179.
Angeloni Innocent, 359.
Anne (Saint), Mother of God, 723.
Anne of Saint Bartholomew (Venice), 46.
Anniser Joseph, 48.
Anselm (Saint), 665.
Anthony of the Assumption, 179, 395.
Apap Bologna Joseph, 718.
Apostoli (Giordano) Dominic, 359.
Arborio Mella di S. Elia Albert, 487.
Archi Alphonse, Bishop of Comen, 291.
Archbishop of Calcutta, 271.
Archbishop of Cologne, 591.
Archbishop of Mechlin, Cardinal of the Holy Roman Church, 93.
Archbishop of Milan, Cardinal of the Holy Roman Church, 298.
Archbishop of Prague, Cardinal of the Holy Roman Church, 269.
Archbishop of Toulouse, 137.
Arendt William, 206.
Asbach Mary, 630.

[*Latin ed. p. 784*]

784 Index personarum. Belleville Francis, Bishop, titular of Armsen, 552. Belli-Leonardi Raphael, 552. Belmont Peter Mary, Bishop of Claramonten, 209. Benedetti Claudius, 375. Benedetti Peter, 291. Benedict (Saint), 553. B Benedict XIII, Pope, 88, 177. Benedict XIV, Pope, 90, 115, 153, 155, 157, 218, 221, 228, 229, 298, 302, 304, 305, 313, 315, 319, 320, 321, 381, 385, 422, 521, 597, 612, 725. Baccher Placidus (of Venice), 290. Bacchi Vincent, Bishop of Faventin, 697. Bachmair Joseph, 575. Benincasa, Abbot, 358. Badzekuketta Athanasius (of Venice), 568. Benvignati Henry, 474, 646. Bagnoli Pius, Bishop of Marsorum, 163. Berengan Alexander, 507. Bailly Emmanuel, 132. Baldassarri Francis, Bishop of Imolen, 688. Berengan John, 503. Balestra Peter, Archbishop of Calaritan, 360. Berengan Mary, 508.

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Berengan Regina, 508. Berengan-Miollo Lina, 508. Balsamus, Abbot, 358. Bernard-Flipo Louis, 656. Balten (priest), 672. Bambozzi Benvenutus (of Venice), 27. Bernardi-Bon Maria, 508. Bernardth Ludovica, 629. Bambozzi Vincent, 27. Banabakintu Luke (of Venice), 569. Barbadicus Gregory (of Bologna), Saint, Cardinal, 445, 703. Barbadicus Mark Anthony, Saint, Cardinal, Bishop of Faliscodunen and Cometan, 500. Bevignani Augustus, 132. Barbieri John Baptist, 656. Bianchi-Cagliesi Vincent, 132. Bardel Claudius, Bishop of Sagien, 172. Bickerstaffe-Drew Francis, 467. Bardesio Peter (of Venice), 290. Biden John, 427. Barros (Pereira) Evangelist, 639. Bienvenue Edward, 744. Basetti-Sani Jerome, 136. Biermans John, Bishop titular of Gargaren, 368, 703. Bauer Francis, Saint, Cardinal, Archbishop of Olmucen, 696, 704, 718. Bilio Aloysius, Saint, Cardinal, Bishop of Sach, 563. Baugas Paul, 167. Baumgärtl Charles, 468. Bavona Alexander, Archbishop titular of Phar salien, 96. Becker John, Archbishop of Portalegren, 643, 699. Beekmeyer Bede, Bishop of Kandien, 368, 702. Bégin Louis Nazarius, Archbishop of Quebecen, 249, 293. Behaghel Ernest, 208. Belay Ferdinand, 520. Astorri Christopher, 341, 350, 570, 629. Astorri Joseph, 359. Augustine (Saint), 619. Aveledo (Lopez) Vincent, 687. Avot Prudence, 743. Azzopardi Joseph, 570.

[*Latin ed. p. 785*]

Index of Persons. 785 Blazek William, titular Bishop of Modrurum, Brennah James, 291. Brion Peter, 586. Bludau Augustine, Bishop of Varmien, Brodie Matthew, 719, 363. Bruchesi Paul, Archbishop of Marianopolitan, 473. Boccali Julius, 640. Brugger Charles, 744. Boden (De Spens) John, 743. Brugnolli Aloysius, 96. Bodin Eugene, 335. Bruneau John, 167. Brychta Anthony, 95. Büchner Maximilian, 207. Budka Niceta, titular Bishop of Pataren, 531, 703. Bologna (Apap) Joseph, 718. Bonaventura (Saint), 560, 562, 583. Bugarini Aloysius, 291. Bonaventura Alexander, 501. Bulens Charles, 260. Buonomo John, 608. Burète (De Pelleport) Charles, 167. Burke John E., 135. Bonet, Bishop of Gerunden, 217. Bon giorni Aemilius, 292. Burtin Aloysius, 569. Boni de Castellane (Countess), 151. Burtsell Richard L., 135. Boni de Castellane John, 147. Butler James, 135. Boni de Castellane Mary Paul Ernestus Boniface, 146. Butruille Hadrian, 608. Buzabaliao James (Venice), 568. Boniface VIII, Pope, 219, 250, 423. Bonne Francis, Archbishop of Tokien, 48. Caberlotto Angel Alexander, 503. Bonnefoy Scipio, 395. Caberlotto John, 509. Bonnevic Victor, 744. Caccia Dominioni Camillus, 741. Bonnin Peter, 292. Caerularius Michael, Patriarch of Constantinople, 610. Bonzano John, titular Archbishop of Meliten, 102, 134, 698. Cafasso Joseph (Venice), 697. Borgarello Felix, 341. Caliandro Roch, Bishop of Thermular, 271, 701. Borkovic John, 292, 466. Callocchia Aemilius, 292. Boschi Julius, Cardinal of the Holy Roman Empire, Archbishop of Ferrarien, Bishop of Comaclen, 528. Camassa Joseph, titular Archbishop of Trapezuntin, 366, 698. Botnel Theodore,

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744. Cameron Catherine, 148. Bots John Baptist, 742. Canali Nicholas, 642. Botti Aristides, 167. Candacurry Cyriacus, 166. Bougat Celestina, 710. Cantagalli Joachim, Bishop of Faventin, 552. Bougat Paul, 710. Cantatore Dominic, 47. Bougoüin Henry Louis Prosper, Bishop of Petrocoricen and Sarlaten, 714. Bourdenne Victor, 490. Capecelatro Alphonse, Cardinal of the Holy Roman Empire, Archbishop of Capuan, 688. Bourdrel Gabriel Benedict Mary Joseph, 744. Carafa, Cardinal, 115. Bourgade, Archbishop of the Holy See in America, 249. Carame Neamatallah, 655. Bourgeoys Margaret (Venice), 466. Cardeti Peter, 120. Brac de la Perrière John, Cardinal, Archbishop of Prague, 269. Cardinal of the Secretariate, 109. Braun Alexander, 260. Cardinal Vicar of Rome, 10, 49, 170, 436. Brebœuf John, 166. ACTA, vol. IV, n. 2 2. — 30-12-1912. 56.

[*Latin ed. p. 786*]

786 Index of Persons. Cardinal Prefect of the Sacred Congregation for the Propagation of the Faith, De Crouyi, Joseph Emmanuel, 743. Cardinal Primás of Strigonia, 109, 430. Chanoine Davranches, Raymond, 167. Chapelle (Rev.), 160. Carinci, Francis, 166. Caro Rodríguez, Joseph Maria, Bishop, titular of Myiasen, 272, 702. Chaperon, Albert, 684. Charpin, Theophilus, 428. Carolus Borromeus (Saint), Roman Cardinal, Archbishop of Milan, 180. Caron, Andrew, Archbishop of Januensis, 366, 698. Carrara, Camillus, Bishop, titular of Agathopolitan, 702. Carrara, John Francis Salesius, 468. Carrerot, Dominic, Bishop, titular of Uranopolitan, 644, 702. Carrillo, Stanislaus, 47. Carroll, James, Bishop, titular of Metellopolitan, 702, 704. Carrozzo, John, 396. Casey, Timothy, Archbishop of Vancouver, 643, 699. Chevalier, Joseph, 207. Chichizola, Caesar, 467. Chigi, Marius, 132. Chimen, Raphael, 95. Chollet, John Arthur, Bishop of Virodunen, 130. Choloniewski, Myszka, Edward, 655. Choquette, Philip, 395. Chouilly, L., 56. Christophorus (Saint), 172. Ciappara, Michael, 85. Ciceri, Francis, Bishop of Papien, 621. Cini, Adelaide (Venice), 466. Cisterna, Peter, 95. Clapier (Rev.), 132. Clara, Assisiensis (Saint), 557. Claraz, Julius, 369. Cassidy, James Edward, 291. Castagnier, Joseph, 708. Castagnier, Ludovica, 709. Castellano, Aloysius, 357, see Index Documenter: Sacred Congregation of the Office. Castellanos, Leonard, Bishop of Tabasquen, 396. Castellanos, Vincent, Bishop of Campeccore, 102, 700. Castelli, Charles, Archbishop of Firmanus, 666. Castro, John Baptist, Archbishop of Caracen, 23. Cattaneo, Bartholomew, 575. Cattani, Frederick, 29, 30, 31, 32, 108, 119, 161, 249, 341, 503, 629, 731. Cavallini, Armandus, 168. Cebusnik, Valentinus, 292. Centeni, Romani, Henry, 119. Centoz, Aloysius, 467. Cérveny, Eminanel, 96. Cbaine, Paul, 359. Champagnat, Marcellinus Joseph (Venice), 259.

[*Latin ed. p. 787*]

Index of Persons.

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787 D'Arco, Joanna (B.), 290, 326.
Darmanin, Dominic, Archbishop of Corcyra, 272, 699.
Da Silva Gomes, Emmanuel, Bishop of Fortal, 644, 702.
D'Aubigny, Charles, 136.
Daudet, Ferdinand, 167.
D'Auzay, Louise, 278.
David, Adolphus, titular Bishop of Sebaste, 54, 700.
Davranches (Canon), Raymond, 167.
De Angelis, Hector, 591, 708.
De Aquino e Castro (Dias), Emmanuel, 48.
De Battefort (Mouchet), Peter, 167.
De Beaumont-Beynac (Soffrey), Louis Armande Paul, 260.
De Bellussière (Grant of Luxollière), Rupert, 260.
De Belmont (De Laburgade), Adeodatus, 688.
De Bonavides, Michael, Archbishop of Manila, 52.
De Bonfils, Prosper Mary, Bishop of Cenoman, 428.
De Brzesowsky, Charles, 655.
De Cabrières (De Rovérié), Francis Mary Anatolius, Cardinal of the Holy Roman Church, Bishop of Montpellier, 54.
De Cardona, Bernard, 226.
De Carolis, Francis, 726.
De Castellane (Boni, Countess), 151.
De Castellane (Boni), John, 147.
De Castellane (Boni), Mary Paul Ernest Boniface, 146.
De Castillo, Francis, 426.
De Cauzons, Thomas, 369, 445.
De Chalonge, Marcellus, 675.
De Chalonge (Gillet), Joanna, 683.
De Charette, Alan, 428.
De Cormont, Charles Mary Alfred, Bishop of Atura, 485.
De Coaëssin, Augustus, 427.
D'Alessandri, Angel, 32, 85, 249, 341, 350, 670.
De Crawhez, Joseph, 520.
Dallai, Moses, Archbishop of Babylon, 644, 699.
De Crouy Chanel, Joseph Emmanuel, 743.
Dall'Olio, Roman, 507.
De Diersburg (Röder), Felix Hubert, 47.
D'Amico, Nicholas, 467.

Translated by churchlatin.ai, a product of Boyne Archives

Danbresse-Vanteulle, Eugene, 488.
De Esterhazy, Ladislaus, 743.
Daranatz (Canon), 394.
De Fontonra (Galvão), Ezechias, 655.
Consolati, Bernard, 719.
Constantine, Xaver, 648.
Constantine, Emperor, 131.
Conte, James, 32.
Conte Castagnier, Joanna, 710.
Coppi, Armande, 656.
Corbella (cleric), 347.
Corbett, James, Bishop of Salen, 428.
Cordeschi, Wenceslaus, 95.
Cormier, Hyacinth Mary, 17.
Correa Nery, John Baptist, Bishop of Campineri, 339.
Corti, John, 168.
Cos y Macho, Joseph Mary, Cardinal of the Holy Roman Church, Archbishop of Valladolid, 213, 696, 704, 718.
Dosta, Albert, Bishop of Melphiens and Rapollen, 53, 700.
Costantini, Francis Xavier, 552.
Gottolengo, Joseph (of Venice), 486.
Coullié, Peter Hercules, Cardinal of the Holy Roman Church, Archbishop of Lyons, 608.
Coulondre, John, 166.
Cousin, Henry Mary Augustine, 96.
Cox, Charles, 668.
Cozzola, Elizabeth, 374.
Crescenzi (Serlupi), Aloysius, 96.
Crets, Gummarus, 519.
Cri san ti, Vincent, 552.
Criscuoli, Anthony, 743.
Croci, Lawrence Andrew, 487.
Crooy, Amadeus M. L., 360.
Crosta, Clinus, 420.
Csernoch, John, Archbishop of Colocen and Bacsien, 271.
Cunningham, Henry, 428.
Czajkowski, Vincent, 360.
Czerniewski, Leander, 359.

Translated by churchlatin.ai, a product of Boyne Archives

Czernin von und zu Chudenitz, Eugene, 655.

[*Latin ed. p. 788*]

788 Index of Persons. Charles de Gagern, 135. Mauritius de Gardépée de Salignae (de Jarnac), 744. Emmanuel Maria Joseph de Gibergues (Martin), Bishop of Valentinen, 102, 700. Mauritius Joseph de Gourion Saint-Cyr, 207. John Baptist de Guébriant, titular Bishop of Euroens, 367. Felix de Hartmann, Archbishop of Cologne, 697. Maximilian de Heinlein Hussarek, 655. Lazarus de Henckel-Donnersmark, 358. Francis de Henestrosa (de Silva y Fernandez), 688. Charles de Hornig, Cardinal of the Holy Roman Church, Bishop of Veszprém, 697, 741. Mauritius de Jarnac de Gardépée de Salignae, 744. Blasius de Jaszowski, 427. Ferdinand Maria de Ibarra, 720. Adeodatus de Laburgade de Belmont, 688. Armandus de la Chesnais (Houitte), 720. Henry de Lagarrique (de Porquier), 359. Caietan de Lai, Cardinal of the Holy Roman Church, Bishop of Sabina, 22, 102, see Index Documenter: Sacred Congregation of the Consistory. Charles de Laître, 744. Francis Maria Delamaire, titular Archbishop of Methymna, 93. Henry de Lanzenauer (Haehling), titular Bishop of Delcen, 643, 701. John de la Perrière (Brac), 428. Raymond de la Porte, Bishop of Cenoman, 644, 701. John de Lassberg, 743. Charles Maria del Torre, Bishop of Loja, 26, 700. William Delattre, 207. Otto de la Vallette, 720. Arsenius del Campo y Monasterio, titular Bishop of Epiphan, 697. Henry delcourt, 207. Mary delcourt, 620. John del Drago, 147. Claudius Joseph de Leâo (Gonzalves Ponce), titular Abbot of Anarzaben, 53, 698. Apostolic Delegate to the Republic of El Salvador, 295. Apostolic Delegate to the Philippine Islands, 51. Emieh de Leiningen Billigheim, 260. Paul Augustine Joseph Delepoulle, 359. Julius de Lescluze, 167. Armandus de l'Espinay (Miron), 743. Victor Dei Favero, 292. Andrew Delhomme, 648. Peter della Guardia (of Venice), 486. Dominic della Rovere, Cardinal of the Holy Roman Church, Archbishop of Turin, 32. Francis della Volpe, Cardinal of the Holy Roman Church, Bishop, 57, see Index Documenter: Sacred Congregation for the Eastern Churches. Del Tindaro (Rampolla), Cardinal of the Holy Roman Church, 718. Del Val (Merry), Cardinal of the Holy Roman Church, see Merry. De Luynes (Dux), 149. Ludovica de Manilae Legras (of Venice), 717. Joseph de Mariz (Alves), Bishop of Brigantium, 576. Maria de Mattias (of Venice), 290. Henry de Mattoni, 47. Mauritius Demimuid, 270. Aloysius de Monte, 96. John de Montebello, 149. De Montenach (Lady), 462. Francis (Venerable) de Montmorency-Laval, Bishop of Quebec, 94. Albert Demoor, 396. Arnold de Mourodon, Bishop of Gerunda, 215, 223. De Mun (Count), 162. Denis (Reverend), 282. Henrica de Newcastle, 539. Quintinus de Oliveira y Silva (Rodríguez), 96. John Anthony de Palmero, Bishop of Gerunda, 217, 227. Louis de Pastor, 608. Charles de Pelleport Burète, 167. Simon Deploige, 260. Henry de Porquier de Lagarrigue, 359. Mauritius de

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Rean, 428. Alexander de Retz, 132.

[*Latin ed. p. 789*]

Index of Persons.

De Rovérié de Cabrières, Francis, Mary, Anthony, Cardinal of the Holy Roman Empire, Bishop of Montpellier, 54.

De Sagan (Prince), 150.

De Saint-Maure (du Prè), George, 428.

De Saint-Omer, Gyselinx, Rudolph, 656.

De Salignac (De Jarnac de Gardépée), Mauritius, 744.

De Sarzana, Emmanuel, 718.

De Savignac, Lewis, 743.

Deschamps, Charles, 167.

De Silva y Fernandez de Henestrosa, Francis, 688.

Désir, Augustus, 396.

De Skrbensky, Leo, Cardinal of the Holy Roman Empire, Archbishop of Prague, 372.

De Souza Martins, Porphyrius, 640.

De Spens Boden, John, 743.

Desprès (Reverend), 283.

Desqueyrous, Mary, Henry, 177.

Destailleurs (Sarazin), Anthony, 488.

De Thun-Hohenstein, Jaroslav, 575.

De Tillerand-Curtis (Marquise), 149.

De Toni, Anthony, 296.

De Vacci, Anthony, 42.

De Vaccis, Bartholomew, 42.

De Vichet, Alexander, 167.

Deviolaine, George, 744.

De Voujuas-Langan (Treton), Leo, Mary, Francis, 488.

De Waal, Anthony, 132.

De Wael (Vos), Lewis, John, 396.

De Westphalen, Clemens, 48.

De Winde, Honoratus, 260, 428.

De Zabola (Mikes), John, Bishop of Saharien, 26, 699.

Dias de Aquino e Castro, Emmanuel, 48.

Di Belmonte (Granito Pignatelli), January, Cardinal of the Holy Roman Empire, 575, 639.

Diepen, John, 488.

Translated by churchlatin.ai, a product of Boyne Archives

Di Lèguigno (Scapinelli), Raphael, Archbishop titular of Laodicea, 94, 102, 434, 698.
Di Luxollière de Bellussière (Grant), Rupert, 260.
Di Montenuovo, Alfred, 655.
Dion, Aloysia, 648.
Di S. Elia (Arborio Mella), Albert, 487.
Ditges (sac), 636.
Di Zoppola (Panciera), Francis, 520.
Dobrecic, Nicholas, Archbishop of Antibaren, 272, 699.
Doebbing, Joseph, Bernard, Bishop of Nepesin and Sutrin, 554.
Dolonne (sac), 56.
Dominioni (Caccia), Camillus, 741.
Donati, Donatus, 119.
Donegan, Peter, 540.
Donnersmark (De Henckel), Lazarus, 358.
Dooley, William, 468.
Dorfmann, Francis, 96.
Dornis, Stephen, 360.
Dorotheus, Patriarch of Antioch, 611.
Dowling, Augustine, Bishop of Desmoinen, 102, 700.
Dreesmann, Anthony, Gaspar, Rudolph, 359.
Drehmans, Joseph, 358.
Drevet, 651.
Drew (Bickerstaffe), Francis, 467.
Dubarat (Can.), 394.
Dubois, Aloysius, Ernest, Archbishop of Biturica, 45, 577.
Dubois, Francis, 744.
Dubourg, Augustus, Archbishop of Rhedone, 164.
Du Buisson (Le Vaillant), Charles, 136.
Duchesne, Lewis, 56, 108.
Du Coëtlosquet, Leo, Gaston, 688.
Dudouyt, Peter, 744.
Dufour, Gustav, 520.
Duhig, James, Bishop of Rockhampton, 441; Archbishop titular of Amiden, 272, 699.
Dumond, Paul, Bishop titular of Curubita, 368, 703.
Dumont, Mauritius, 359.
Dunn, James, 656.
Dunne, John, Bishop of Willcannia, 551.

Translated by churchlatin.ai, a product of Boyne Archives

Dupont, Aloysius, 608.
Dupré, 550.
Du Prè de Saint-Maure, George, 428.
Durand, 715.
Durazzo, Flavius, 208.
Durbec, Emma, 711.
Duthil, Julius, 208.
Dyckhoff, Hermann, 744.

[*Latin ed. p. 790*]

790 Index personarum. Fernandez Alcázar Eligius, 427. Ferracci Valerianus, 586. Ferrari Aloisius, 640. Ebeier Ioannes, 86. Ferrari Andreas, Cardinal of the Holy Roman Empire, Archbishop, 527. Ecker Antonius, 360. Egerton (Marjoribanks) Ioannes, 688. Egger Franciscus, Bishop of Brixen, 702. Ferrata Dominicus, Cardinal of the Holy Roman Empire, 403, see Index documentorum: Sacred Congregation of 704. Sacraments; 426, 569. Elias the prophet, 263. Ferrata of Nazareth, 277, 675. Elisabeth (Saint), 463. Ferreolus (Saint), 210. Bishop of Arras, 93. Ferrutius (Saint), 210. Bishop of Brescia, 296. Bishop of Digneâ□□Riezâ□□Sisteron, 93. Fiandaca Ferdinandus, Bishop of Pactia, Bishop of Egypt, 366, 701. Bishop of Lacedonia, 404. Fiat Antonius, 269, 626. Fibiger Alexander, 719. Bishop of Nevers, 173. Fiebig Paulina, 672. Eras Bernardus Iosephus, 208. Filippini Elisabetha, 500. Erdösi Eugenius, 720. Esders Herrn annus, 744. Filippini Lucia (of Venice), 486, 500. Espinosa Marianus Antonius, Archbishop of Bonaire, 51. Filippini Philippus, 500. Filippucci Petrus, 208. Esser Thomas, 57; see Index Documentorum. Fini Peregrinus, 640. Firczak Iulius, Bishop of Munchacsien, Sacred Congregation Indictorum, 366, 428. Estienne Iosephus, 711. Fischer (dona), 113. Etrich Iosephus, 47. Fischer Antonius Hubertus, Cardinal of the Holy Roman Empire, Archbishop of Cologne, 552, 578, 664. Everest Humbertus, 164. Ezechiel (Priest) of the Most Holy Heart of Jesus, 686. Fischer Catharina, 391. Fischer Eduardus, 540. Flapp Ioannes Baptista, Bishop of Parentin and Poland, 744. Faberi Franciscus, 95. Flechter Philippus, 401. Faeh Adolphus, 640. Flipo (Bernard) Ludovicus, 656. Fagnano Iosephus, 402. Foerster Henricus, Bishop of Vratislavia, 382. Falcone (abbot), 358. Falconio Diomedes, Cardinal of the Holy Roman Empire, 46, 94, 290, 395, 564, 717, 742. Fongeras-Laverynolle Gaston, 428. Falevolti Fortunatus Orestes, 136. Fallize Ioannes Baptista, titular Bishop of Elusa, 395. Fallón Michael Franciscus, Bishop of London, 249. Falzon Ignatius (of Venice), 717. Fanelli Dominicus, 520. Feeney Eduardus, 744. Fei Regynaldus, 420. Fejer Emmanuel, 207. Feldkamm Iacobus, 742. Féragus Georgius, 47. Ferdinandus VI, King of Spain, 218, 221, 228. Francisciotti Caesar (of Venice), 551. Franciscus of Lagonegro (of Venice),

Translated by churchlatin.ai, a product of Boyne Archives

741. Franciscus (Saint) of Assisi, 557, 582.

[*Latin ed. p. 791*]

Index of Persons. Francis Joseph, Emperor of Austria and King of Hungary, 430, 433, 580. Frazioli Nicholas, 7, 19. Frey Joseph, 656. Frontalini Elizabeth, 27. Fulchieri Emmanuel, Bishop of Cuernavaca, 643, 701. Funk Joseph, 292. Fuzet Frederick, Archbishop of Rouen, 355. Gabriels Henry, Bishop of Ogdensburg, 271. Gallarati Scotti Thomas, 56. Gallardo Joseph Leo, 468. Gallila Gomis Maginus, 731. Gallina Charles, 358. Gallina Ignatius, 341. Galtier Lewis, 359. Galvâo de Fontonra Ezechias, 655. Gardey, Father John, 47. Garelli Lawrence, 351. Garelli Thomas, 353. Gartner Maximilian Theodore, 182. Gasparri Henry, 718. Gasparri Peter, Cardinal of the Holy Roman Church, 46. Gasperini Silvius, Bishop of Anagni, 698. Gauthey Francis Leo, Archbishop of Besançon, 210, 212. Gauthey Paul, 95. Gauthier George, titular Bishop of Philippopolis, 473, 701. Gauthier Lucius, 744. Gendreau Peter Mary, titular Bishop of Chrysopolis, 467. Gennari Casimir, Cardinal of the Holy Roman Church, 54; see Index of Documents; Sacred Congregation of Councils. Genoud Peter Lewis, Bishop of Guadalupe, 445, 702. Gerecht Godfrey, 670. Geyer Hugh, 467. Ghio James, Archbishop of Urbino, 271, 698. Gianola John Baptist, 743. Gibbons James, Cardinal of the Holy Roman Church, Archbishop of Baltimore, 98, 791. Gieure Francis Mary, Bishop of Bayonne, 490. Gignac Joseph, 253. Gillet de Chalonge Joanna, 683. Gimet Peter Baptist, 542. Giordano Apostoli Dominic, 359. Giorgi Orestes, 54; see Index of Documents: Sacred Congregation of Councils, 134, 687. Giraudeau Peter, titular Bishop of Tinia, 271. Giustini Philip, 403, see Index of Documents: Sacred Congregation of Sacraments. Glard Isidore Joseph Mary, 744. Glènat Eudoxia, 648. Glenat Octavia, 648. Gobbe Henry, 396. Gockel Augustine, titular Bishop of Azotus, 396. Godmard John Baptist, 207. Godoy Mark (S.), 688. Goichot Justin, 468. Gomes (Da Silva) Emmanuel, Bishop of Fortaleza, 644, 702. Gomes Pimenta Silverius, Archbishop of Mariana, 364, 467. Gómez Gonzalez Aurelius, 688. Gomis (Gallifa) Maginus, 731. Gonza Gonzaga (Venice), 568. Gonzalez (Gómez) Aurelius, 688. Gonzalez y Sauz Venantius, 56, 144. Gonzalves Ponce de Leâo Claudius Joseph, titular Archbishop of Anazarbus, 53, 698. Gotti Jerome, Cardinal of the Holy Roman Church, 46, 55; see Index of Documents: Sacred Congregation of Propaganda Fide, 375, 617. Gould Anne, 146. Gould Edward, 149. Gould George, 149. Granito Pignatelli di Belmonte Januarius, Cardinal of the Holy Roman Church, 575, 639. Grant di Luxellière de Bellussière Rupert, 260. Graziani John, Bishop of Tuder, 535. Grazioli Julius, 95, 222, 304, 404. Grech (Canon), 86. Gredt Joseph, 564. Gregory the Great (Saint), Religious, 553. Gregory XVI, Religious, 444. Gregory (B.) Barbadian, Bishop of Padua,

Translated by churchlatin.ai, a product of Boyne Archives

165.

[*Latin ed. p. 792*]

792 Index personarum. Hittmair Rudolphus, Episcopus Linciensis, 269. Hohenstein (de Thun) Jaroslaus, 575. Holzhey Carolus, 530. Honauer, 629. Hopfner Paulus, 48. Hortulana, 558. Horváth Victor, Episcopus titularis Martyropolitanus, 271, 701. Hospelt Antonius, 629. Hossu Basilius, Episcopus Armenopolitanus, Rumenorus, 26, 699. Houitte de la Chesnais Armandus, 720. Hoynes Gulielmus, 136. Haas Franciscus, 540. Haehling de Lanzenauer Henricus, Episcopus. Humbert Augustus, 57. Humbrecht Ludovicus, Episcopus Pictavitensis, Delcenensis, 643, 701. viennensis, 265. Halla Carolus, 488. Hussarek de Heinlein Maximilianus, 655. Hallan Gulielmus, 540. Hanna Eduardus Iosephus, Episcopus titularis Titopolitanus, 702, 704. Hanquet Paulus, 608. Hansl Franciscus, 720. Jallonghi Ernestus, 426. Harck Minna Martha, 182. Janknecht Gregorius, 554. Hardy Adulphus, 468. Janssens Laurentius, 465. Harkins Matthaeus, Episcopus Providentiensis, 260. Janvier E., 92, 716. Jaquet Dominicus, Archiepiscopus titularis Salaminae, 28. Jarlin Stanislaus, Episcopus titularis Pharbaethensis, 489. Jarrin Franciscus, Episcopus Placentinus in Hispania, 688. Jedin Ioannes, 132. Ignatius Ephrem II Rahmani, Patriarcha Antiochenus Syrorum, 703. Jiménez (Orozco) Franciscus, Archiepiscopus Guadelajarensis, 697. Imsand Augustus, 688. Innocentius III, Romanus Pontifex, 408, 425, 505, 71. Innocentius VIII, Romanus Pontifex, 38. Innocentius XI, Romanus Pontifex, 533. Innocentius XII, Romanus Pontifex, 251. Ioanna (B.) ab Arco, 290, 326. Ioannes (S.) a Cruce, 686. Jogues Isaac, 166. Joire-Wattinne Iulius, 656. Iona Aloisius, Episcopus Faliscodunensis, 271, 700. Ioseph (S.), 50. Iosephus Benedictus Labre (S.), 554. Jourdain Renatus, 744. Grieser Iosephus, 719. Grossauer Carolus, 719. Grosso Franciscus Antonius, 350. Grosso Teresia, 351. Guarienti Hugo, 136. Guidi Albertus, 260. Guilbert Petrus, 468. Gurini Orestes, 48. Gyselinx de Saint-Omer Rodulphus, 656.

[*Latin ed. p. 793*]

Index of Persons. Irastorza y Loinaz, Francis Xavier, 427. Isidoras, Archbishop of Kiowen, 611. Isley, Edward, Archbishop of Birmingham, 473. Julius II, Priest, 32. Julius III, Priest, 225. Izsóf Abajos, 369, 474, 793. Labre (St.) Joseph Benedict, 554. Ladelci, John, 550, 740. La Fontaine, Peter, titular Bishop of Charystenes, 28; see Index of Documents: Sacred Congregation. Laghi, Aldus, 426. Lagrange, Peter, 530. Lahitton, Joseph, 485. Lamberrnont, Francis Joseph M., 96. Kagwa, Andrew (Venice), 568. Kalous, Joseph, 608. Lancellotti, Aloysius, 466, 468. Kasper, James, 360. Lancellotti, Philip, 95. Kavanagh, Charles F., 135. Landucci (Croci), Andrew, 487. Kazazzian, John, 48. Lang, Joseph, titular Bishop of Paraladen, 48. Kean, John J., 135. Keller (count), 356. Lang, Joseph, 520.

Translated by churchlatin.ai, a product of Boyne Archives

Kennedy, Thomas, titular Bishop of Hadrianopolitan, 487. La Selve, Victor Hippolytus, 136. Kenny, Daniel, 291. Latz, 603. Kerner, Francis, 167. Laube, Alvina, 670. Kernivinen, Peter Mary, 56. Laurenti, Camillus, 55; see Index of Documents: Sacred Congregation of Propaganda Fide, 206. Kibuka, Ambrose (Venice), 568. Kiligawajjo, Anatolius (Venice), 569. Kjuder, Anthony, 359. Kiwanuka, Achilles (Venice), 569. Kizito (Venice), 568. Kneppers, James John Aloysius, 260. Kock, W., 57. Koczak Struszkiewicz, Lewis, 743. Koedijk, Anthony Christian Mary, 291. Koenig, Arthur, 742. Kohler, Charles, 396. Köhler, 388. Köllen, John, 592. Komócsy, Stephen, 396. Kopp, George, Cardinal of the Holy Roman Church, Bishop of Vratislavia, 383, 657, 667, 693. Korenié, Stephen, 292. Kovác, Anthony, 396. Kovács, Barbara, 482. Kragic, Peter, 640. Krebs, Celestine, 359. Kremer (priest), 636. Krick, Lewis Henry, 551. Kriege, John, 656. Kubicek, John, 743. Kublhing (priest), 603. Kyavira (Venice), 568.

[*Latin ed. p. 794*]

794 Leo XIII, R. P., 10, 15, 99, 270, 325, 381, Mac Evay Patritius Fergus, Episc. Londonen., 255. 401, 442, 525, 534, 554, 562, 563, 567, Mae Farlane Aeneas, Episc. Dunkeldén., 582, 613, 689, 722. 640. Léonard Henricus, Episc. tit. TipasiMac Govern Patritius Aloisius, Episc. tan., 474, 703. Cheyennen., 54, 700. Leonardi (Belli) Raphaël, 552. Machin Eugenius, 377. Leonardus abbas, 358. Mac intyre Ioannes, Episc. tit. Lamien., Leonori Aristides, 167. i 473, 701. Leonori Pius, 167. ! Mack lulianus, 428. Lepetit ioannes Ludovicus, 742. ! Mackintosh Donaldus Aloisius, Archiep. Lépicier Alexius, 742. i tit. Chersonen., 472, 698. Leroux Ioannes Baptista, 742. ! Mac Neil Nilus, Archiep. Torontin., 643, Letourneurs Garni 11 us Maria, 488. I 699. Le Vaillant du Buisson Carolus, 136. Lezaeta (Silva) Aloisius, Episc. tit. d e - I Macrina (S.), 486. I Macrioniti Antonius, Episc. Syren., 498, nen., 272, 703. 702. Liberatus ab Exel, 368. Magdics Ignatius, 360. Licata Calogerus, 208. Lieser, 603. Magne Iosephus, 428. Magne Lucianus, 468. Lings Albertus A., 135. Liot Paschalis, 283. Magnis Antonius, 95. Livinhac Leo, Episc. tit. Pacanden., 569. Mahony Matthaeus, 395. Malche Michael, Episc. Iaziren. SyroLöhninger Iosephus, 132. rum, 644, 702. Lombardi A., 539. Malleret Iosephus, Episc. Martinicen., Lopez Aveledo Vincentius, 687. 272, 702. Lorain Ludovicus Augustinus, 742. Malo, 512. Lorente, Episc. Gerunden., 222. Mancuso Iacobus, 135. Lourdel Simeo, 569. Luanga Carolus (Ven.), 551,567,568, 570. Mandatori-Sacchetti Paula (Ven.), 586. Mandl Franciscus, 359. Lucas (S.) evangelista, 463. Manfroni Ansgarius, 96. Lucas, 279. Ludden Patritius, Episcop. Syraeusen.., Manning Ioannes Baptista, 136. Mannix Daniel, Archiep. tit. Pharsalen., 552. 498, 699. Ludovicus (S.) Andegavensis, 137. Many Seraphinus, 29, 31, 108, 161, 277, Ludovicus Bavariae princeps, 743. 591. Lugari Ioannes Baptista, S. R. E. Card., Marazzi Iosephus, 292. 46. Marcantoni Aemilius, 119. Lumini Emidius, 655. Marcelli Franciscus, 743. Luzuy Iosephus, 167.

Translated by churchlatin.ai, a product of Boyne Archives

Marchetti Eduardus, 697. Marcus ab Aviano, 741. Marcus Evangelista (S.), 463. Maréchal Antonius, 427. Maaggali Noe (Ven.), 568 Macarius Cyrillus, quondam patriarcha Mariani Iosephus, 552. Marin Michael, 47. Alexandrin. Coptorum, 214. Marini Alfridus, 171. Macchi Vincentius, 132. Marini Nicolaus, 187, v. Index DocuMae Cort Ioannes Iosephus, Episc. tit. mentorum, Signatura Apostolica; 207. Azoten., 473, 701. Marinus Abbas, 358. Macdonald Bonaventura, 545. Marjoribanks Egerton Ioannes, 688. Mac Donald Dugaldus M., 166. If

[*Latin ed. p. 795*]

Index of Persons. Markovic Marianus, titular Bishop of Danaben, I, 468; Meunier Philippus, Bishop of Ebroicen, 468, I, 653, 654; Marra (canon), 412; Mgagga (Venice), 568; Marsiglia (canon), 88; Mgodwé Pontianus (Venice), 568; Marsò Geisa, 207; Michael Caerularius, Patriarch of Constantinople, 610; Martin Ioannes Petrus, 639; Martin Rogatianus Iosephus, titular Bishop of Uranopolitan, 720; Michel Felix, 688; Mifsud Alfridus, 85; Martin de Gibergues Emmanuel Maria, 102, 700; Migone Iosephus, 292; Mihalovics Eduardus, 468; Martinelli Sebastianus, Cardinal of the Holy Roman Church, 28, see Index of Documents, Sacred Congregation of Rites; 94, 467, 741; Miller Guilelmus, titular Bishop of Eumenen, 368; Marucchi Horatius, 132; Mingoli Pius, 95; Miollo Lina, 508; Miollo Carolus, 508; Miron de FEspinay Armandus, 743; Misic Aloysius Stephanus, Bishop of Mandetrien, 366, 701; Matas Iosephus, 215, 222; Materka Antonius, 720; Mattei-Gentili Darius, Archbishop of Perusia, 48; Mitzka Philippus, 96; Mkasa Adulphus Rudigo (Venice), 569; Mkasa Iosephus (Venice), 568; Matthaeus (S.), Evangelista, 464; Mkasa Kilwanvu (Venice), 569; Mauro Ioannes, 291; Maurocenus, Patriarch of Venice, 180; Mkovenda, 568; Moeser Georgius, 520; Mollard Suzanna, 277; Mausbach Iosephus, 427; Mollard Henricus, 278; Mollard (Dame), 278; Mazzarella Franciscus, 168; Mazzoleni Carolus, 360; Monier Agnes, 708; Montague Mildreda, 327; Meany Ioannes, 396; Medina Leonidas, Bishop of Pastopolitan, 54, 700; Melicher Theophilus, 520; Mella di S. Elia (Arborio) Albertus, 487; Monza Pacificus, 563, 582; Moransch Georgius, 396; More! Henricus, 208; Morel Theodorus, 47; Mendosa Roussel Petrus, 249; Mercier Desideratus Iosephus, Cardinal of the Holy Roman Church, Archbishop of Mechlin, 266; Mercier Gaston, 291; Merry del Val Raphaël, Cardinal of the Holy Roman Church, 45, see Index of Documents, Secretariate of State and Apostolic Letters; 486, 697; Moreschini Camillus, Archbishop of Carnen, 666; Moreto Plantyn Alexius, 468; Moretti Paschalis, 120; Morgades, Bishop of Viren, 731; Mori Iosephus, 29, 30, 31, 32, 108, 119, 161, 341, 474, 629, 646, 708, 731; Mertz Paulus, 359; Métreau Iosephus, titular Bishop of Thermen,

Translated by churchlatin.ai, a product of Boyne Archives

53, 700; Moriconi Philippus, 487; Mori ani Ioannes, 95.

[*Latin ed. p. 796*]

796 Index personarum. Morrissoii Iacobus, Episcopus Antigonicensis, 207. Ojetti Benedictus, 643, 701. O'Keefe Daniel, 740. O'Leary Ioannes, 96. Motheau Alphaeus, 520. Oliviero Iosephus, 341. Mottironi Casimirus, 576. O'Rourke Ioannes, 136. Mouchet de Battefort Petrus, 167. Orozco Jiménez Franciscus, Archiepiscopus de Moussa Basilius, 719. Guadalajara, 697. Mugwanya Stanislaus, 520. Orsini Laelius, 742. Mulas Aloisius, 640. Orteu Isidorus, 227. Munier Hadrianus, 619. Ortiz Iosephus, Archiepiscopus de Guadalajara, 468. Murray Patritius, 375. Munia y Lopez Benedictus, Archiepiscopus Americus, Episcopus S. Ioannis de Cuyo, 26, 700. Murumba Matthias (Venetus), 551, 567, 568, 570. Ottatus (canonicus), 412. Musi Franciscus Xaverius, 47. Musil Mathias, 95. Myszka (Choloniewski) Eduardus, 655. Mwanga, Rex Ugandae, 567. Pacelli Eugenius, 467, 645; vide Index Documenter.; S. C. pro negotiis ecclesiasticis extraordinariis, 718. Pacelli Philippus, 146. Pacifici Petrus, Archiepiscopus Spoletanus, 644, 699. Pacificus a Seiano, 563, 582, 662. Pagliuca Iosephus, 360. Pagliucchi Pius, 132. Pal Stephanus, 478. Pai Veronica, 478. Palau Marius, 520. Palle Augustus, 688. Palmarini Marius, 103. Panciera di Zoppola Franciscus, 520. Papi Pius, 134. Papin Eduardus, 292. Papp Antonius, Episcopus titularis Lyrbenensis, 366, 701. Parel Gabriel, 358. Parisi Carmelus, 743. Parkust Fridericus, 157. Parrillo Franciscus, 208. Pascucci Franciscus, 95. Pasi Dominicus, 551. Pasolini Pasolinus, 327. Pasolini Petrus Desiderius, 327. Pasqualigo Dominicus, 259, 336. Patinga (sacerdos), 239. Patrizi Nazarenus, 108, 450, 731. Paul Iacobus, 395. O'Brien Gulielmus, 135. O'Coney Osimundus, 541. O'Connel Dionysius L, Episcopus Richmundiensis, 54, 700. Paulus (Sanctus) Apostolus, 262, 361, 435, 463, 641. Pawlikowski Ferdinandus, 360.

[*Latin ed. p. 797*]

Index of Persons. Pawłowski, Sigismund, 639. Pè, John Baptist, 360. Peagno, Felix, 551. Peaucelle, Augustus, 207. Pecci, Michael, 360. Pejakic, Peter, 208. Pellegrini, Ferdinand, 47. Pellegrini-Quarantotti, John, 552. Pellicano, Dominic, 208. Pensa, Charles, Bishop of Piacenza and Arretium, 644, 702. Perathoner, Anthony, 29, 30, 85, 108, 119, 161, 249, 450, 503, 539, 550, 629, 731. Pereira, Dorothy, 109, 111. Pereira Barros, Evangelist, 639. Pereira Yraola, Leonard, 136. Perez, Anthony Adolphus, Bishop of the Most Holy Savior in the United States, 295. Perez y Samanillo, Raphael, 396. Pericoli, Paul, 171. Permet, Julius, 688. Perosi, Charles, 46. Pessard, Joseph Adolphus, 207. Pestalozzi, Emilius, 520. Peter, Barbara, 474. Peter, Martin, 478. Petit, Lewis, Archbishop of Athens, 272, 699. Peter (S.), Apostle, 49, 264, 361, 435, 463, 641. Peter II, Abbot, 358. Petschner, Lewis, 743. Pezzani, Henry, 182, 503. Pfauser, Thomas, 467. Phelan, Patrick, 47;

Translated by churchlatin.ai, a product of Boyne Archives

Bishop of Sale, 703, 704. Philippovic, Charles, 428. Philip V, King of Spain, 221. Philouze, Leo Francis, Mary, 167. Pichi-Falzacappa, Magdalene, 500. Pichler, Francis, 55. Picot, Leo, 744. Pie, Lewis Edward, Holy Roman Emperor, Bishop of Poitiers, 265. Pierini, Caietan, 640. Pifferi, Sebastian, Archbishop of La Plata, 136. Pighi, John Baptist, 135. Pimenta (Gomes), Silverius, Archbishop of the Mariana Islands, 364, 467. Pinten, Joseph Gabriel, 467. Pio, Ernest, Bishop of Algiers, 374. Pirhofer, Aloysius, 467. Pisani, Peter, 607. Pisani, Vincent, Bishop titular of Thebes, 53, 700. Pisapia, Emericus, 208. Pitaval, John Baptist, Archbishop of Saint Paul in the United States, 250. Pius V (S.), Pope, 115, 177, 225, 516, 589. Pius VI, Pope, 385. Pius VII, Pope, 570. Pius VIII, Pope, 57. Pius IX, Pope, 7, 9, 234, 270, 381, 409, 429, 437, 571, 642, 652, 705. Pixa, Anthony, 719. Pizzardo, Joseph, 718. Pizzi, A. Julius, 487. Pizzi, Caietan, Bishop of Saint Severus, 702, 704. Plantyn (Moreto), Alexius, 468. Poletti, Emilius, Bishop of Balneoregion, 644, 702. Pomo, Felix, 289. Pompilj, Basil, Holy Roman Cardinal, 46, 169, 336, 574. Ponce de Leâo (Gonzalves), Claudius Joseph, titular Archbishop of Anazarbus, 53, 698. Pontini, Joanna, 503. Poock, Anselm, 639. Popiel, Vincent Theophilus, Archbishop of Warsaw, 744. Portugal, Joseph Mary of Jesus, Bishop of Aguascalientes, 720. Porzer, Joseph, 656. Pourtal, Charles, 396. Power, William, 96. Prado, Michael Leo, 467. Praepositus Generalis Carmelitarum Ex● calceatorum, 143. Préfontaine, Fulgentius, 744. Premus, Dominic, 520. Prendergast, Edmund, Archbishop of Philadelphia, 473. Prendergast, James, 428. Preston, Richard, 360. Prior, John, 29, 30, 31, 108, 132, 157, 182, 277, 327, 377, 474, 646, 670, 675, 708, 740. Prisco, Joseph, Holy Roman Cardinal, Archbishop of Naples, 469.

[*Latin ed. p. 798*]

798. Procurator Generalis Clericorum Regularium a Madre Dei, 245. Procurator Generalis Congregationis a SSmo Sacramento, 49. Procurator Generalis Fratrum Praedicatorum, 420.

800. Prohászka Ottocarus, 57.

801. Prostenik Mathias, 292.

802. Puchalski Laurentius, 360.

803. Pujia Carmelus, Archiep. S. Severinae, 166.

804. Pulciano Eduardus Archiep. Ianuen., 48.

805. Pusino Nicolaus, 291.

806. Pustet Fridericus, 669.

807. Reynier Paulus, 676.

808. Rho Ioannes, 359.

809. Ribera Emmanuel, 165, 357; (Ven.), 374.

810. Ribera Vincentius, 374.

811. Richard Armandus, 552.

Translated by churchlatin.ai, a product of Boyne Archives

812. Richelmy Augustinus, S. R. *E. Card., Archiep. Taurinen., 722.
813. Richter Bernardus, 608.
814. Ridolfi Iosephus, Archiep. Hydruntin., 644, 699.
815. Rieg Benedictus, 687.
816. Rieger (sac), 184.
817. Riesa Ioannes Maria, Episc Guayaquilen., 54, 700.
818. Riggi Marius, 22, 48; 435, vide Index documenter.: Apostolicae sub plumbo Litterae; 617.
819. Quacquarelli (Rev.), 289.
820. Rihánek Ioannes, 167.
821. Rinaldini Aristides, S. R. E. Card., 607.
822. Quarantotti (Pellegrini) Ioannes, 552, 697.
823. Ringhofter Emmanuel, 47.
824. Riordan Patritius Gulielmus, Archiep. S. Francisci in California, 704.
825. Rabanser Aloisius, 719.
826. Rabbia Carolus, 719.
827. Robert Theodorus, 95.
828. Rademaker Clemens Augustinus Ludovicus, 744.
829. Roca Iosephus Antonius, 291.
830. Roche Ambrosius, 135.
831. Röder de Diersburg Felix Hubertus, 47.
832. Raffm Ioannes, 440.
833. Rahmani Ignatius Ephrem II, Patriarcha Antiochen. Syrorum, 703.
834. Ramel Elias, 260.
835. Rampolla del Tindaro Marianus, S. R. E. Card., 529, v. Index documenter.; S. Congr. S. Officii, sectio de Indulgentiis; 718.
836. Rognin Felix, 646.
837. Roi Caietanus, 656.
838. Ráuffy Sigismundos, 576.
839. Rojas Gulielmus, Episc. Panamen., 271, 700.
840. Raupert Goffredus, 95.
841. Reggiani Aloisius, 656.
842. Regnault Arthurus, 688.
843. Regout Edmundus Robertus Hubertus, 135.
844. Reid Maria, 157.
845. Renou Franciscus Renatus, Archiep. Turonen., 53.
846. Rosati Archangelus, 168.
847. Rossetti Petrus, 108, 146, 161, 420.
848. Rossi Antonius, 96.

Translated by churchlatin.ai, a product of Boyne Archives

849. Rossi Iacobus, 688.
850. Respighi Petrus, S. R. E. Card., 690.
851. Rostand Iulius, 47.
852. Révész Stephanus, 291.
853. Rey ioannes Petrus, Archiep. Tolden., 445, 699.
854. Roussel (Mendosa) Petrus, 249.
855. Reynier Augustus, 679.
856. Reynier Henricus, 680.
857. Reynier Maria, 675.
858. Ruggeri Assuerus, 95.
859. Roucourt Theophilus, 718.
860. Roulieaux Napoleo Iosephus, 687.
861. Rubinato Sernagiotto Maria, 507.
862. Rolleri Hieronymus, 533, 535.
863. Ronan Petrus, 135.
864. Rosa Ioannes Baptista, 46, 208.

[*Latin ed. p. 799*]

Index of Persons. Ruppen Anthony, 456. Ruschitzka Sigismund, 669. Ruspini Angel, 292. Ryan James I., 488. Ryan Patrick T., titular Bishop of Glazomen, 472, 701. S Sacchetti Clement, 134. Sacchetti Urban, 136. Sacchetti (Mandatories) Paula (Venice), 586. Sacconi Vincent, 32, 85, 119, 249, 260, 327, 377, 450, 539, 570. Sádaba Francis, 618. Saillet Julia, 646. Saint-Cyr (de Gourion) Joseph Mauritius, 207. St-Michel Francis Xavier, 96. Salvator a Wieden, 628. Samassa Joseph, Cardinal, Archbishop of Agrien, 271, 576. Sandrelli Raphael, titular Bishop of Comanen, 720. Sandula Hamericus, 719. Sant Caelestinus, 542. Santasusanna Torrens Joseph, 731. Santi Raphael, Bishop of Feretra, 366, 701. Sarazin Destailleurs Anthony, 488. Sardi Anthony, titular Archbishop of Palmyren, 643, 699. Sardi Gustav, 136. Sarkis Moses, titular Bishop of Arethusa, 644, 703. Saubat Julius, 207. Sbarretti Donatus, titular Archbishop of Ephesus, 143; see Index Documenter: S. Congregation of Religious. Scalabrini John Baptist, Bishop of Placentia, 581. Scaparone Nemea, 550. Scapinelli di Lèguigno Raphael, titular Archbishop of Laodicea, 94, 102, 434, 698. Schachinger Norbert, 519. Scharemberg Matilda, 185. Schell (Vittinghoff) Maximilian, 656. Scherer Peter, 207. Schidlo Conrad, 744. Schinzel Joseph, 208, 799. Schioppa Lawrence, 718. Schmelcher Agnes, 504. Schmelcher Joseph, 591. Schmid Claudius, 207. Schmidt Leo, 468. Schmitt Leonard, 377. Schmitt Rosalia, 377. Schneider John, 742. Scholz Edmund, 487. Seh önberg- Roth - Schönberg Ernest, 466. Schönburg-Hartenstein Aloysius, 655. Schüller Lewis, 171, 437, 438, 654. Schulte Joseph, Bishop of Paderborn, 643. Schulz Carolina, 672. Schumacher Francis, 719. Scotti (Gallarati) Thomas, 56. Scubilio

Translated by churchlatin.ai, a product of Boyne Archives

(Brother), 166. Sebastiani William, 31, 108, 146, 161, 591. Sebuggwao Dionysius (Venice), 568. Seelos Francis Xavier, 358. Seemayer Charles, 95. Seganti Bartholomew, 488. Segetà Boniface, 743. Senger Adam, titular Bishop of Comanen, 698. Serafini Camillus, 132, 207. Serafini Dominic, titular Archbishop of Seleucia in Syria, 271; 529, see Index document; S. Congregation of the Holy Office, section on Indulgences, 698. Serafini Maurus, 104. Serafino Natali, Bishop of Bugellen, 698. Serlupi Crescenzi Aloysius, 96. Serlupi Francis, 166, 552. Sernagiotto (Rubinato) Mary, 507. Séronkuma Bruno (Venice), 568. Sevin Hector Irenaeus, Archbishop of Lugdunum, 697. Seyvald Joseph, 607. Shaw Charles Conrad, 396. Shiel Joseph, Bishop of Rockhampton, 628, 702. Sidarouss Bey Sesostris, 428. Signore Francis, 47. Silva Lezaeta Aloysius, titular Bishop of Olen, 272, 703. Simeon Abbas, 358.

[*Latin ed. p. 800*]

Index of Persons.

Simon and Rodenas, Francis, Bishop, title of Echinen, 697.

Simonetti, Angel, Bishop of Piscien, 537.

Simonis, Goffred, Henry, 359.

Sincero, Aloysius, 29, 30, 31, 32, 108, 161, 182, 327, 341, 377, 474, 646, 670, 675, 708.

Sinibaldi, Angel, 95.

Sinibaldi, James, 466.

Sinopoli, Peter, 743.

Sivilla, Thomas, Bishop of Gerunden, 215, 222.

Sixtus IV, Pope, 32.

Smichowsky, Venceslaus, 720.

Smith, Dina, 740.

Snopek, Francis, 743.

Sobierajski, Josaphat, 358.

Soffrey de Beaumont-Beynac, Paul, Lewis, Armandus, 260.

Sogaro, Francis, Archbishop, title of Amiden, 136.

Solanet, Alexius, 260.

Solei, Charles, 427.

Sona, Joseph, 341.

Sorbellini, Joseph, 48.

Sottaz, Victor, Mary, 563, 582.

Soubirons, Bernarda, 741.

Soukup, John, 95.

Speczïan, Augustine, 114.

Speeckaert, Armandus, 608.

Translated by churchlatin.ai, a product of Boyne Archives

Splaine, Michael, 135.
Sportelli, Caesar (Venice), 717.
Stalins, Augustine, 468.
Stamm, Christian, 607.
Steinberg (sacristan), 636.
Steiner, Mary, Agnes, Clara (Venice), 717.
Stevenson, James, 744.
Stoffels (sacristan), 604.
Stonor, Edmund, Archbishop, title of Trapezuntin, 168.
Struszkiewicz (Koczak), Ladislaus, 743.
Stubinger, 629.
Suba, George, 208.
Summermatter, Leo, 456.
Supple, Patricius, 135.
Szabados, Stephen, 96.
Szabó, Geysa, 396.
Szarski, Henry, 167.
Széckényi, Aladarus, 108.
Széckényi, Bartelau, 112.
Széckényi, George, 116.
Széckényi, Michael, 110.
Szentmiklóssy, Iolantha, 113.
Szmrecsányi, Lewis, Archbishop, title of Cyrrens, 271, 698.
T
Táborsky, Francis, 744.
Taddei, Bartholomew, 138.
Talamo, Salvator, 166.
Talion, Bishop of Torontin, 256.
Tampieri, Sanctes, 467.
Tani, Tancredes, 31; see Index of Documents: Sacred Roman Rota.
Tappuni, Dominic, Abclalahad, Bishop, title of Danaben, 644, 703.
Tarnaud, Frederick, 468.
Tarnowski, John, 719.
Tasso, John, Vincent, Bishop of Augustae, 665.
Taylor, Matthew, A, 135.
Tecchi, Scipio, 102; see Index of Documents: Sacred Congregation of the Consistory, 181, 435.
Teresia, of the Infant Jesus and of the Sacred Face, 741.

Translated by churchlatin.ai, a product of Boyne Archives

Terrien, Ferdinand, Bishop, title of Görden, 272, 702.
Terzi, Alphonsus, 292.
Terzian, Paul, Peter, XIII, Patriarch of Cilicia of the Armenians, 400.
Theophilus, a Corte (Bologna), 717.
Thèry, Gustavus, 620.
Thomas, a Jesus (Venice), 617.
Thomas (St.) Aquinas, 164, 564.
Thonier, Anthony, 359.
Thouret, Joanna, Antida (Venice), 466.
Tierney, John, L, 655.
Tillman, Fritz, 530.
Tissier (canon), 393.
Tobisch, Charles, 720.
Tonarelli, Peter, 502.
Tondinelli, Peter, 487.
Topp, Francis, Xaverius, 96.
Topuz, John, 208.
Tornielli, Bonaventure (Bologna), 165.
Torras y Bages, Joseph, Bishop of Vicen, 732.
Torrens, Leodegarius, 731.

[*Latin ed. p. 801*]

Index Torrens (Santasusanna) Joseph, 731. Tourneau William, 720. Trajer Anthony, 688. Trainer James F., 719. Treton de Voujuas-Langan Leo Mary Francis, 488. Trillarci Adolphus, 359. Tripepi Aloysius, Holy Roman Emperor, Cardinal, 169. Tunk, 630. Turjay John, 207. Uhide Anthony, 358. Underberg Hubert, 396. Unzué Saints, 688. Urban IV, Religious, 557, 559. Urban VIII, Religious, 85, 87, 90, 91, 290, 705. Vadász John, 96. Vaillant Remigius, 648. Valls, Bishop of Gerunda, 222. Van Cauwenbergh, John M. F. E. G., 360. Van der See, 603. Vanheulle (Danbresse) Eugene, 488. Vannutelli Vincent, Holy Roman Emperor, Cardinal, Bishop of Praenestin, 104; 187, see Index Documentorum: Apostolic Signature; 289, 217. Van Reeth Aemilius, 608. Van Rossum William, Holy Roman Emperor, Cardinal, 46, 94, 395, 427, 466, 467, 469, 579. Van Schoote Reynold, 56. Varigault (Dame), 283. Varigault George, 283. Varigault Roger, 277. Vass Joseph, 743. Vassetta Hyacinth, 724. Vaszary Claudius, Holy Roman Emperor, Cardinal, Archbishop of Strigonia, 101. Vaughan, Holy Roman Emperor, Cardinal, Archbishop of Westminster, 540. Vauquelin Edgar, 292. Veillet Renatus, 394. Venarucci Joseph, 96. Veneri Gislenus, Bishop of Aquaependens, 427. ACIA, vol. I V, a. 22. — 30-12-1912. 801 persons. President of the Republic of Venezuela, 23. Apostolic Delegate of Venezuela, 23. Verde Alexander,

Translated by churchlatin.ai, a product of Boyne Archives

28, 104, 179, 181, 375, 502, 570. Vermenlen Anthony John Norbert, 96. Vic Casimir, Bishop, titular Metropolitan, 428. Vicedomini John, 47. Vicentini Dominic, 333, 581. Vico Anthony, Holy Roman Emperor, Cardinal, 606, 704, 718, 742. Victor Emmanuel, King of Sardinia, 381. Vieira Joachim Joseph, Bishop, titular of Himeria, 644; Archbishop titular of Cyrene, 699, 704. Vigouroux Fulcran, 465. Vinci Angel, 467. Violata John, 341. Viotti Peter, 350. Virili Raphael, 171, 437, 438. Vittinghoff-Scheì Maximilian, 656. Vives y Tuto Joachim, 132. Vives y Tuto Joseph Calasanctius, Holy Roman Emperor, Cardinal, 143, see Index Documenter: Sacred Congregation of Religious; 28, 179. Vögt, 592. Volpato Adam, 509. Von und zu Liechtenstein Edward, 656. Vos de Wae! Louis John, 396. Vroom William German, 359. Y Yabar Aloysius, 138. Yraola (Pereira) Leonard, 136. W Wagner Emma, 185. Wagner George, 291. Wagner Louis, 114. Wagner Paul, 185, 359. Wajdits Julius, 395. Walcher Aloysius, 719. Walleser Peter Salvator, Bishop, titular of Tanagra, 628, 703. Walpole Horatius, 48. Wancura John Thomas, 520.

[*Latin ed. p. 802*]

Index: Warwick James, Valencia, 135. Wasner Hugh, 674. Wattinne (Joire) Julius, 656. Wecker O., 57. Wegrzynowski Ignatius, 467. Weicher Nicholas, 360. Weirich Ignatius, 359. White Thomas, 545. Wiesmann (Zenner), 57. Winauds M., 663. Windthorst Lewis, 663. Wirt, 636. Wirthner (sac), 451. Witthy James Calasanctius, 140. personarum. Woeffel Mary, 391. Woeffel Michael, 391. Wolkenberg Aloysius, 719. Wousen Ferdinand, 208. Wurster Joseph, 395. Z Zara Maximilian, 606. Zenner-Wiesman, 57. Ziebe Amadeus, 670. Zocchi C, 334. Zonghi John Mary, 487. Zumaglini Aloysius, 608.

[*Latin ed. p. 803*]

The fourth volume is completed by the commentary on the 30th of December, 1912. OFFICIALIS - Printed by "Acta Apostolicae Sedis" in the POLYGLOT PRESS of the VATICAN.

[*Latin ed. p. 804*]

Recently, there have appeared for sale, at the ADMINISTRATION'S OFFICIAL COMMENTARY OFFICE, "ACTA APOSTOLICAE SEDIS," Vatican Polyglot Printing Press, Rome, AUTHENTIC DECREES of the Congregation of Sacred Rites, compiled from its acts and promulgated with its authority, in six volumes, 8vo, on manufactured paper, at a price of 46 livres. Volume 1 (pp. XXIV-456). From the year 1588, number 1, to the year 1705, number 2162. Volume 2 (pp. XI-484). From the year 1706, number 2163, to the year 1870, number 3232. Volume 3 (pp. viii-383). From the year 1871, number 3233, to the year 1899, number 4051. Volume 4 (pp. iv-442). Commentary on the instruction of Clement XI, concerning the Exposition of the Most Holy Sacrament in the form of Forty Hours, and on the prayers and notes concerning the Decrees of the Sacred Rites Congregation.

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Volume 5 (pp. iv-513). General index of matters occurring in the Decrees of the Sacred Rites Congregation, compiled from the three preceding authentic collections, with an enumeration of the prayers and notes which are presented in the fourth volume. Volume 6. Appendix 1 (pp. xi-177). From the year 1900, number 4052, to the year 1911, number 4284, with its General Index. His Most Holy Lordship, Pope Pius X, on the 10th of April of the current year, 1912, approved and declared authentic the Decrees, as they are included in the sixth volume (Appendix 1) of the Collection of Decrees of the Sacred Rites Congregation, and as they are explained in its general index. While this sixth volume of the Decrees of the Sacred Rites Congregation is being published by the Vatican Polyglot Printing Press, it is most helpful to illustrate all and each of the six volumes of this authentic collection with the present commentary, so that they may be properly valued by ecclesiastical men. For, from what is said, it will become clearly evident that the entire work of the collection (namely, the six volumes) is of great use, indeed necessary, to all Diocesan Curias, Cathedral and Collegiate Chapters, Religious Houses, Seminaries, and even to individual ecclesiastical men. Indeed, it is most important for all those who are dedicated to the service of God that the holy Sacrifice of the Mass and the Divine Office be offered according to the ecclesiastical laws, namely, the rubrics and decrees, and that all things which have been established by the Sacred Rites Congregation in its proper sphere be strictly observed by all to whom they apply. The Collection of Decrees of the Sacred Rites Congregation was first published in Rome in 1807, under the care and direction of Aloysius Gardellini, S.R.C., Assessor, who, possessing the best knowledge of liturgical discipline, and to whom no one is equal in diligence and erudition, was able to accomplish what others before him, especially Ioan. Baptista Pithonius, a Venetian priest, had already begun to do in part in the year 1730. The same Gardellini, in 1827, prepared a second edition in seven volumes, and included in it the Responses of the Holy See, which pertain to the sacred rites, promulgated from the year 1558 to 1826; to which edition an eighth volume of Decrees was added.

[*Latin ed. p. 805*]

•;. _ . % up to the year 1887, was added by Joseph de Ligne, Master of the Apostolic Ceremonies. The third edition, proposed by the Sacred Congregation of Rites, was begun in 1856 and, in subsequent years, was augmented with various Appendices, and has been held in due esteem by students of the sacred liturgy until our time. When, in 1891, copies of the aforementioned third edition became rarer, the Sacred Congregation of Rites, before undertaking a new edition, deemed it necessary to thoroughly examine the work, so that it might be freed from useless responses; that the replies might be arranged among themselves; that the old discipline of the Sacred Rites might be adapted to the new; so that the Collection,

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suitable for use and convenience, especially for scholars, and possessing an unquestionable authority, might arise. For seven years, a commission of experts in liturgical matters labored on the work, and the Council of Cardinals and Prelates from the Roman College subjected the work of that same commission to mature discussion. Finally, on February 16, 1898, the Sacred Congregation published a Decree for the City and the World, by which, with the authority of the Supreme Pontiff Leo XIII, the Collection of Decrees was approved and declared authentic; and it was also decreed that the Decrees promulgated up to that time should be considered abrogated in those matters which are contrary to the Decrees contained in the new authentic Collection; except only those which pertain to particular Churches by reason of Indult or privilege. Consequently, of the 5993 Decrees which were referred to in the ancient Collection up to the year 1887, only 3682 were included in the new Collection, while the remaining 2311 were entirely omitted. For this reason, the order of numbering in this new Collection was changed; but, for the convenience of those inquiring, in addition to the recent number, the number which indicated the same Decree in the third edition was also placed within parentheses. The five volumes of the Collection, published from 1898 to 1901, are now supplemented by a sixth volume, as has been said. Regarding each of the six volumes, the following should be noted. Volume I, in 8°, pages xxiv-486, published in 1898, contains the Decrees which the Sacred Congregation of Rites promulgated from its institution, by the Constitution *Sixti V diei 22 Ianuarii 1587, Immensae aeterni Dei*, to the year 1705. An Index of Dioceses and Decrees, arranged alphabetically for the convenience of the reader, is placed before the same Decrees. Many Decrees of the greatest importance appeared during those 118 years; upon which the foundations of liturgical law are established. Among the most important, we note in this first volume, which contains 2162 Decrees: those concerning the requirements for celebrating the Office and Mass of particular Saints, Patrons of Churches, and for the approval of their Offices (Decree No. 51); those concerning the exceptions permitted in the observance of the Ceremonial of Bishops (184); Decrees of Urban VIII concerning the method to be observed in the election of SS. Patrons (526), concerning the form and habit of Sacred Images (810, 2110), concerning the observance of Feasts (812); Decrees of Alexander VII concerning the cult to be rendered to the Blessed who have not yet been canonized (1130), concerning the use of Pontificals to Inferior Bishops, especially Abbots (1131, 1163), and concerning the days on which private Masses for the Dead may be celebrated (1238, 1343, 1392, 1793, 2041); the Decree concerning the hour of celebration of Mass, especially in regions nearest the two poles (614); concerning precedence among Bishops (270); concerning the Episcopal Vicar relating to Canons (248, 254, 326); concerning the order to be observed by Canons among themselves or relating to the Bishop (235, 900); concerning Canons

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relating to the Bishop who is not their proper Bishop (236); concerning Canons relating to Curates in their Churches (142, 150); concerning the Ceremonial of Regulars (937); concerning the Regular who is promoted to the Episcopate, and what Office he should recite (181); concerning precedence among Religious Families according to the Decree of Gregory XIII (33, 1344); concerning the ringing of bells on Holy Saturday relating to Regulars (170, 1079); concerning Religious relating to their own tertiaries (271); concerning the intervention of Regulars in processions (282, 1141); the General Decree of Urban VIII concerning the processions of Regulars (1096, 1291, 1440); the Decree concerning the rights of Regulars relating to funerals (383, 515, 767, 784, 785, 1291, 1408, 2084); concerning the Exposition of the SS. Sacrament in the Churches of Regulars (800); concerning the honors to be rendered by Bishops to Regulars (1173, 1550); concerning the funerals of Monks (751); concerning the erection of confraternities (357, 783, 1101); concerning precedence among confraternities (653); concerning the rights of confraternities (1641, 2123); concerning the twelve crosses in a church dedicated to the Cross (1939); concerning the obligation for secular and Regular clergy to add new Offices in the Breviary (555); and many other questions concerning magistrates, and other persons constituted in some dignity, are prudently resolved. Volume II, in 8°, pages xi-484, published in 1898, contains the Decrees from No. 2163 to 3232 which the Sacred Congregation promulgated from the year 1706 to 1870. An Index of Dioceses and Decrees, as in the first volume, is placed before it. Among the most important Decrees in these 164 years, we note: the Breviary of St. Benedict (2319); the Decree of Benedict XIV by which SS. Peter and Paul are confirmed as the Patrons of the City by the most ancient tradition (2374); the Encyclical Letter of Benedict XIV concerning the observance of the Decree of Alexander VII concerning Abbots and other Prelates inferior to the Bishop (2376); the Decree concerning the Armenian monks residing in Venice (2414); the Decree of Clement XIII concerning the Preface of the Most Holy Trinity to be said on Sundays (2449); concerning the priesthood required for celebrating Mass in the church of the Beata (2560); concerning the College of Bishops assisting the Supreme Pontiff (2571); the Decree of Pius VII concerning the materials from which sacred vestments and linens are to be made (2600); the Brief of Pius VII concerning the discovery of the body of St. Francis of Assisi (2605); concerning the publication of the life, works, and miracles of the Servants of God (2617); concerning the Communion to be given to the entire clergy on the Feria V in the octave of the Lord's Supper (2489); and concerning the cult to be rendered to the Wood of the SS. Cross, the Instruments of the Passion of our Lord Jesus Christ, and the Relics of the Saints (2647).

[*Latin ed. p. 806*]

—3— The General Decree concerning the method to be observed by

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S.R.G. in approving cults, except for the Decrees of Urban VIII (2651); Instructions concerning Relics placed in Altars, both fixed and portable (2777); concerning the signs by which the Relics of Saints and Martyrs can be recognized in the sacred cemeteries of Rome (3120); concerning the Mass of the Holy Spirit during the time of the Vatican Council (3211). III. Volume third, in 8°, pages viii-383, published in 1900, contains Decrees from S.R.G. from 1871 to 1899, numbered 3233 to 4051. An index of Dioceses and Decrees is placed at the beginning, in alphabetical order, and at the end of the volume is added the Clementine Instruction for the Forty Hours Prayer. It is to be especially noted that from 1891, when this authentic collection was begun, many General Decrees have been published and included in this third volume; these confirm new liturgical law, superseding numerous previous Decrees on the same subject. We note the following principal Decrees published from 1871 and included in this volume: concerning the causes of Servants of God (3233); concerning the amplification of the cult of St. Joseph, Patron of the Catholic Church (3252); concerning the formulas of Papal Benediction, general Absolution, and for those in articulo mortis for Regular Orders (3550); concerning the Rosary of Mary (3598); concerning the Breviary of the Cistercian Order (3655); concerning the Mass of the Holy Heart of Jesus on the first Friday of each month (3712); concerning that in the same Church, images depicting the Divine Person or the Virgin Mary under the same title should not be displayed in the same altar (3732); concerning the cult of the Holy Family and the association named after the same Holy Family (3740, 3777, 3778, 3802); concerning Masses for the Dead (3753, 3755); concerning the Conventual Mass for Regulars (3757); concerning Canonicals and Benefices (3782, 3783, 3828, 3865); concerning the use of sacred vestments in ecclesiastical functions (3784); concerning the major and minor feasts (3808, 3810, 3837); concerning the cult of the Blessed Virgin Mary, Mother of Good Counsel (3815); concerning the Decrees of Leo XIII on Sacred Music (3830); concerning the regulation of the cult of Servants of God who have not yet been declared Blessed by the Apostolic See (3835); concerning the formula for the vows of Religious, to be recited or renewed during Mass (3836, 3912); concerning funerals (3854); concerning Mass in a foreign Church (3862, 3985); concerning Masses for the Dead celebrated in chapels of sepulchers, and concerning the same Masses celebrated in the presence of the body, physically or morally (3903, 3944); concerning Masses for the Dead celebrated in private oratories of Prelates (3915); concerning votive Masses (3922); concerning the norms to be followed by S.R.G. for new Offices and Masses (3926); concerning Bishops who administer a Diocese in Italy to which they have been assigned temporarily (3958); concerning solemn Masses in suffragan Churches, with the Metropolitan present (4001); concerning the cult of the Immaculate Heart of Mary (4004); concerning semi-public oratories (4007); concerning the right of Bishops

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to pass the Throne to another Bishop (4023); concerning the amplification of the cult of the Sacred Heart of Jesus (4045, 4017). IV. Volume fourth, in 8°, pages iv-442, published in 1900, contains the Clementine Instruction for the Exposition of the Blessed Sacrament during the Forty Hours Prayer, illustrated with annotations by the most learned Gardellini, with its own Index or Summary, covering the first 152 pages. As is well known, the solemn cult of the Blessed Eucharist for Forty Hours is publicly exhibited in Rome; which, since 1592, through the certain order instituted by Clement VIII, so that the Lord Christ may not lack the veneration of the faithful, is celebrated each year in various churches of the city. Pope Clement XI issued the Instruction, known as the Clementine Instruction, on January 21, 1705, to exhibit the Blessed Eucharist with the proper solemnity and reverence; this Instruction still holds its place not only in Rome, but is the norm to which all conform in this cult of the Blessed Eucharist throughout the world. Hence, it is clear how useful, or rather, necessary, is the Commentary on the Clementine Instruction, which has been published by S.R.G. in this fourth volume. The remaining 290 pages, namely pages 153 to 442, contain the most celebrated votes or suffrages of the Consultors of S.R.G., and annotations on the Decrees in the first three volumes. These suffrages and annotations are of the greatest importance, as they illustrate ancient and modern liturgical law, and Christian archaeology, in many important matters. We note the following from these suffrages: concerning Communion in leavened and unleavened bread (regarding Decree 2584); concerning titular Bishops (2585); concerning precedence regarding Religious and Confraternities (2606); concerning reconciliation to the Church or Altar (2612); concerning minor images placed on altars (2613); concerning various rites, especially the Ambrosian rite (2614); concerning Masses celebrated during the three days of Christ's Death and concerning ordinations on Holy Saturday (2616); concerning the chalice when it has become unsuitable for sacred use (2620); concerning the Mass of the Pre-sanctified (2636); concerning the oral Cross (2665); concerning the mitre (2670); concerning the Blessing of Water (2682); concerning customs, and concerning Paschal candles (2684); concerning the Blessing and Consecration of Virgins (2686); concerning titles and patrons (2721); concerning the privileges of basilicas (2744); concerning Benedictions (2745); concerning images on altars (2752); concerning the major and minor feasts (3808); concerning the regulation of the cult of Servants of God who have not yet been declared Blessed by the Apostolic See (3835); concerning the dedication of a church (3881); concerning the altar of sepulchers on the fifth day of Holy Week (3939). V. Volume fifth, in 8°, pages iv-523, published in 1901, contains the general index of the matters contained in the Decrees of S.R.G. in the three previous authentic volumes, with an enumeration of the suffrages and annotations contained in the fourth volume. The importance of this index is indicated by its size

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and the method by which P. George Schober, of the Congregation of the Sacred Heart of Jesus, Consultor of S.R.G. and Secretary of the Liturgical Commission (|- 3 Dec. 1907), with patience and diligence, completed this work, approved by S.R.G. Indeed, this index is not merely a dry series of words, but a special and complete synopsis and summary of liturgical discipline, from which the scholar not only finds guidance and information, but also learns more about the laws of the liturgy in a concise form. The index also notes the historical progress of questions in the various Decrees, until a firm judgment on the liturgical law in that question was established. This index is arranged in alphabetical order, but not in such a way that all matters relating to the same subject, for example, Bishop, are listed under the same word, but rather the entire subject matter is grouped together.

[*Latin ed. p. 807*]

It is divided into various sections or articles, with letters and the articles themselves arranged in order, so that one can easily and quickly find what is needed, as only what is of interest is presented separately and immediately before the eyes. Furthermore, to make these divisions or, if one may say, subdivisions more useful to the studious, a second index, or a table of articles, has been added. It will be very helpful to have all the titles visible at once, and to be able to follow the subsequent order. To each article in the index, an indication of other matters that are related or similar in nature has been added, so that what is lacking in one article can easily be found in the appendix. The individual articles are not under general titles, such as "Feast," "Office," or "Mass," but are arranged under specific titles, such as "Nativity of the Lord," "Assumption of the Blessed Virgin Mary," "St. John the Baptist," etc. Similarly, antiphons, responsories, and versicles are not under a general heading, but are listed under the initial words of each, for example, "E ocultabunt Domino," "Libera me, Domine," "Et incarnatus est," etc., each having its own specific title.

VI. Volume Six (Appendix I), in 8°, pages xi-177, published in the current year of 1912, contains Decrees numbered 4052 to 4284, which the Sacred Roman Congregation published on January 30 of the preceding year, 1911, and deemed worthy to be included in this collection. This Volume Six, along with its general index, was approved and declared authentic by His Holiness Pope Pius X, by Decree of the City and the World, on April 24, 1912. An index of the dioceses and decrees, arranged alphabetically, precedes the text, as in the previous volumes. We announce some of the most important decrees, which comprise 129 pages: concerning Masses for the Dead (4096, 4130); concerning the use of electric light in churches (4097, 4206); the Motu Proprio of His Holiness Pope Pius X concerning sacred music (4121), along with subsequent decrees; the letter to the Reverend Vicar of the City concerning the restoration of sacred music (4125); the Motu Proprio concerning Protonotaries Apostolic, concerning the number of par-

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ticipants, the distinction between those who are counted and those who are not, and concerning titular or honorary positions, as well as other members of the Roman Curia, concerning dignities, canons, and others who enjoy certain privileges of prelates, dated February 21, 1905 (4154, 4182, 4199, 4238, 4267); instructions for clerics who, having received the tonsure, serve as substitutes, or as chaplains to a bishop or prelate (4181); concerning the singing of hymns by young women in churches (4210, 4231); concerning the anniversary of the election or translation of a bishop, according to the new discipline (4254, 4258); concerning rhythmic designs in sacred music (4259, 4263); instructions for the publication of liturgical books (4266, 4166, 4178, 4229, 4234, 4259, 4263, 4260); concerning feast days (4272, 4273, 4274, 4276, 4277, 4278, 4280); the Apostolic Constitution concerning the new arrangement of the Psalms in the Divine Office, according to the new arrangement in the Roman Breviary (4279); concerning the decorations of cardinals and bishops, and the norms to be observed in the celebration of sacred offices (4284). The decrees are followed by the general index of Volume Six, prepared with the same method and diligence as the indexes of the previous volumes. It should be noted that in this index, the decrees are not only summarized, but are also authentically explained, as clearly stated in the decree of approval; a fact which no one familiar with liturgical studies will fail to recognize, for in the explanation, the principles of liturgical law are enunciated, so that they can be more easily applied to similar cases. The general index is followed by an index of titles, as in Volume Five. May God grant that this review of the authentic decrees of the Sacred Roman Congregation may inspire the hearts of sacred ministers to study the sacred liturgy diligently, so that they may treat it with all due reverence. The complete work (namely, the six volumes) is sold in ROME at the ADMINISTRATION OF THE OFFICIAL COMMENTARY "ACTA APOSTOLICAE SEDIS" (Vatican Polyglot Printing Press, Rome). Price: 46 Lire. Volume Six is also sold separately for 6 Lire.

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